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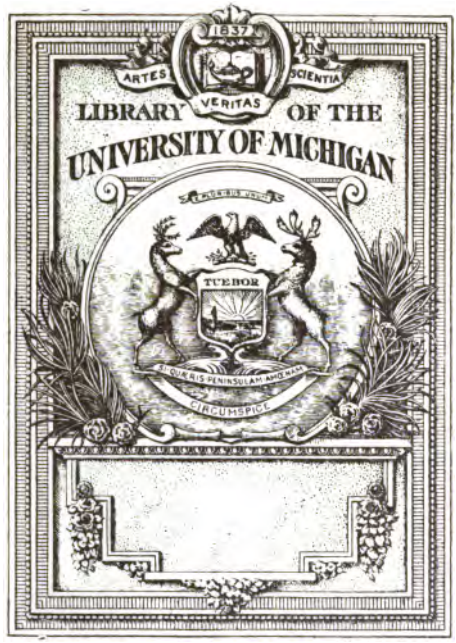
NARENDRANATH LAW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STUDIES

IN

ANCIENT HINDU POLITY

(BASED ON THE ARTHAŚÂSTRA OF KAUṬILYA)

VOL. I.

BY

NARENDRA NATH LAW, M.A., B.L.

WITH AN INTRODUCTORY ESSAY

ON THE AGE AND AUTHENTICITY OF THE ARTHAŚÂSTRA OF KAUṬILYA

BY PROF. RADHAKUMUD MOOKERJI, M.A.

PREMCHAND ROYCHAND SCHOLAR, AUTHOR OF "A HISTORY OF INDIAN SHIPPING," ETC.

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PROMOTION OF LEARNING IN INDIA.

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TO

MY FATHER

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PREFACE

In the present work an attempt is made to describe some of the features and activities of the civil government of the ancient Hindus, as outlined in the Arthaśâstra of Kauṭilya. Such an attempt will, I trust, be useful in throwing some light on the secular and practical achievements of the ancient Hindus, as distinguished from the spiritual and intellectual, which latter are more widely studied and appreciated than the former.

I am, however, painfully conscious of the difficulties with which the subject is beset. The quaint and terse language of Kauṭilya, combined with the technical terms used by him, adds much to the difficulties. The Commentary of Bhaṭṭasvâmî is fragmentary and confined only to a portion of the Second

Book. I should, however, acknowledge my indebtedness to the edition and translation of the work by Mr. R. Shama Sastri, B.A., whose pioneering work has paved the way for the investigations of other scholars.

My deep gratitude is due to Prof. Radhakumud Mookerji, M.A., Premchand Roychand Scholar and author of "A History of Indian Shipping," for valuable help rendered and for the Introduction he has written to this work. I am also thankful to Pundit Jogendranath Tarka-Vedânta-tîrtha and Pundit Vihdusekhar Sastri for their kind assistance, and to my uncle, Mr. Nanda Lal Dey, M.A., B.L., author of the "Geographical Dictionary of Ancient and Mediæval India," for his valuable suggestions. My acknowledgments are likewise due to Mr. Ramananda Chatterji, M.A., editor of the *Modern Review*, for his courteous permission to reproduce such portions of this work as appeared in his *Review*, and to Messrs. Surendra Nath Kumar, B.A., and Hiralal Roy, A.B., for their kind assistance; also to my brother Mr. Surendra Nath Law, and to Messrs. Kumud Lal Dey, Nalin Chandra Paul, B.L., Satya Churn Law,

M.A., and Moni Mohun Sil, for the help I have received from them.

I am fully conscious of my own limitations and the difficulty of the task before me; and I shall consider my labour amply rewarded if my inadequate performance secures for the subject a proper attention and treatment.

NARENDRA NATH LAW.

96, AMHERST STREET, CALCUTTA.
August, 1913.

AN INTRODUCTORY ESSAY ON THE AGE AND AUTHENTICITY OF THE ARTHAŚÂSTRA OF KAUṬILYA.

By Prof. Radhakumud Mookerji, M.A.,
Premchand Roychand Scholar, Author of *A History of Indian Shipping*, etc.

In response to the request of Mr. Law, I have much pleasure in saying a few words on the probable age of the now famous work, the *Arthaśâstra* of Kauṭilya, the importance of which for the history of culture can hardly be overestimated. To students of Indian history in particular, an approximate determination of the period to which the *Arthaśâstra* relates itself is a most pressing problem demanding immediate solution, for on that will depend much of the reconstruction of early Indian history, as well as a true interpretation and appreciation of ancient Hindu culture. The *Arthaśâstra*, as will be amply evident from Mr. Law's *Studies*, is a unique record of the secular and practical activities and achievements of the Hindu genius as distinguished

from the intellectual and spiritual, of which there is so much evidence in the extant Sanskrit and Pâli literature, and of which so much has been said and written; and a proper study of this most interesting work is well calculated to remove one of the widespread and deep-rooted misconceptions about ancient Hindu civilization, which is supposed to have distinguished itself only in the sphere of thought, and to have miserably failed in that of action.

In the following pages an attempt will be made to summarize the arguments which may be advanced in support of the traditional and widely current view that the *Arthaśâstra* of Kauṭilya is the work of Châṇakya, the Minister of Chandra Gupta, and therefore belongs to the fourth century B.C.

That Kauṭilya and Châṇakya are names of the same person is well known to students of Sanskrit literature. In fact, Châṇakya is known by several names,[1] which are thus

[1] Śaṅkarârya in his *Jayamaṅgalaṭṭîkâ* on Kâmandaka refers to the names thus: "विष्णुगुप्तेति चाणक्यारिकौ संज्ञा, चाणक्यः कौटिल्य इति जन्मभूमि गोत्र निबन्धने." Bâchaspati Miśra in his तात्पर्य टीका calls Bâtsyâyana, the author of *Nyâya-*

enumerated by Hemachandra in his *Abhidhânachintâmaṇi*:

नात्स्यायने मल्लनागः कुटिलश्चणकात्मजः ।
द्रामिलः पक्षिलस्वामी विष्णुगुप्तोऽङ्गुलश्च सः ॥

Equally well known is the fact of Châṇakya's connexion with the Emperor Chandra Gupta Maurya, with its political consequences. Evidence of this may be derived from a variety of sources. Thus the *Vishṇupurâṇa* narrates in its prophetic style that "the Brâhmaṇa Kauṭilya shall root out the nine Nandas, inaugurating Chandra Gupta in the kingdom."[1] So also the *Bhâgavatapurâṇa* has the following: "A Brâhmaṇa will destroy these nine Nandas,

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bhâshya, by the name of Pakshilaswâmi. Thus he says: "अथ भगवता अक्षपादेन निःश्रेयसहेतौ शास्त्रे प्रणीतेऽुत्पादिते च भगवता पक्षिलस्वामिना किमपरमवशिष्यते यदर्थं वार्त्तिकारम्भः ।" The *Vârttika* is, of course, the well-known Commentary on the *Nyâyabhâshya* by Udyotakara, who wrote it in order to overcome the sophistical arguments and mystifying logic of the Buddhists ["कुतार्किकध्वान्त-निरासहेतोः । करिष्यति तस्य मया निबन्धः ।"] headed by Diṅnâga as explained by Bâchaspati Miśra ["कुतार्किकादिङ्नाग-प्रभृतयः"]. This statement, by the way, places the age of the *Nyâyabhâshya* also before that of Buddhist propaganda dating from Asoka.

[1] XXIV, 6–7: "तदैव तान् नन्दान् कौटिल्यो ब्राह्मणः समुद्धरिष्यति ... कौटिल्य एव चन्द्रगुप्तं राज्येऽभिषेक्ष्यति ।"

who will inaugurate Chandra Gupta as king."[1] There are also similar references in the *Matsya, Vâyu and Brahmâṇḍa* Purâṇas to Kauṭilya's bestowal of the sovereignty on Chandra Gupta.[2] In his *Sthavirâvalîcharita*, or "Lives of Jaina Patriarchs," Hemachandra gives an account of Châṇakya which, though legendary, agrees with the Purâṇas in making him the extinguisher of Nanda supremacy and supporter of Chandra Gupta. In the *Nandisûtra*, again, which is a Jaina religious work in Prâkrit language, Châṇakya is extolled for the signal success which he achieved as Finance Minister of Chandra Gupta. In the Jaina work *Ṛishimaṇḍalaprakaraṇavṛitti* there is a reference to the alliance of Châṇakya with Chandra Gupta, who seized the kingdom by slaying Nanda. Among the Buddhist works recording the same fact may be mentioned Buddhaghosha's Commentary, *Samantapaśâdikâ*, on the *Vinaya Piṭaka*, as well as the *Mahâvaṇsaṭîkâ* of Mahâ-

[1] II, i, 11–12: "नवनन्दान् द्विजः कश्चित् प्रपन्नान् उद्धरिष्यति ... स एव चन्द्रगुप्तं वै द्विजो राज्येऽभिषेक्ष्यति।"

[2] "कौटिल्यः चन्द्रगुप्तंतु ततो राज्येऽभिषेक्ष्यति" [*Matsya*] and "चन्द्रगुप्तं नृपं राज्ये कौटिल्यः स्थापयिष्यति" [*Vâyu* and *Brahmâṇḍa*].

nâmasthavira. Kâmandaka [*Nîtisâra*] also refers to the overthrow of the Nanda dynasty and the inauguration of Chandra Gupta in a very forcible passage.[1] The same fact, as is well known, has supplied the basis of the drama *Mudrârâkshasa*. Finally, we may refer to the evidence of the *Arthaśâstra* itself, as set forth in one of its concluding verses, where it is stated that the *Arthaśâstra* is composed by "him who with angry determination rescued (the Brâhmaṇa's) learning and (the Kshatriya's) art, as also the mother-country, from the clutches of the Nanda kings."[2]

[1] यस्याभिचार वह्नेश वज्रज्वलन तेजसः ।
पपात मूलतः श्रीमान् सुपर्वा नन्दपर्वतः ॥
एकाकी मन्त्रशक्त्या यः शक्त्या शक्तिधरोपमः ।
आजहार नृचन्द्राय चन्द्रगुप्ताय मेदिनीम् ॥ [I, 4–5.]

["Salutation unto one whose fire of energy was like the flash of lightning, and through whose magical powers, that resembled in potency and fury the thunderbolt itself, the widespread, prosperous, powerful, mountain-like dynasty of Nanda was overturned."]

[2] येन शास्त्रं च शस्त्रं च नन्दराजगता च भूः ।
अमर्षेणोद्धृतान्याशु तेन शास्त्रमिदंकृतम् ॥

The "rescue of learning" would be either a vain boast or would seem to favour the traditional Indian view, widely current among orthodox Hindu Pandits and scholars, that all the three works, viz. *Nyâyabhâshya*, *Kâmasûtra*, and *Arthaśâstra*, which

So much about the fact of the political association of Kauṭilya with the Emperor Chandra Gupta. We shall now consider the evidence proving that the fact of Kauṭilya's authorship of *Arthaśâstra* is well known in Sanskrit literature. The two principal sources of that evidence are (1) the *Nîtisâra* of Kâmandaka and (2) the *Daśakumâracharita* of Daṇḍî, both of which accept the genuineness of the *Arthaśâstra* as the production of Châṇakya. Kâmandaka, at the beginning of his *Nîtisâra*, says: "Salutation unto the learned Vishṇu Gupta, who raised the ambrosia of political science out of the vast ocean of the *Arthaśâstra*. As this science is very much liked by kings, I shall make a brief but clear abridgment of the treatise of that learned scholar who was a

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are acknowledged authorities in their respective subjects, had a common author, and that that author was Châṇakya. Compare in this connexion the enumeration of Châṇakya's names in *Abhidhânachintâmaṇi* quoted above. The boast about "rescue of learning" is also supported by Kâmandaka, who refers to Châṇakya's encyclopædic learning in such phrases as "यो बभूव भुवि विश्रुतः," "वेदविदां वरः," "विद्यानां पारदृश्वनः," etc. Another significant fact to be noted in this connexion is the identity of numerous passages in the three works named above, pointing to their common origin. The whole subject, however, deserves a critical investigation.

master of all branches of knowledge."[1] It is hardly necessary for our present purpose to prove by quotations that with Kâmandaka the work of Kauṭilya was not a mere tradition but an actual masterpiece, which has been throughout his *Nîtisâra* used as his original authority, even supplying many of his words and phrases. Nay, Kâmandaka has, it may be said, abridged by making omissions: the entire portions of the second, third, fourth and fourteenth Books of the *Arthaśâstra* find no place in the *Nîtisâra*. Thus the work of Kâmandaka supplies very good evidence to show that the work of Kauṭilya was a reality. The second piece of evidence bearing on the point is furnished by the *Daśakumâracharita* of Daṇḍî. In the *Somadatta-utpattikathâ* [l. 1] there is a reference to both Kauṭilya and Kâmandaka as authorities on Nîtiśâstra,[2] while in the eighth chapter of Part II occurs the following remarkable reference to Kauṭilya[3]:

[1] दर्शनात् तस्य सदृशो विद्यानां पारदृश्वनः ।
राजविद्या प्रियतया संक्षिप्तमन्यमर्थवत् ॥ [I, 7.]

[2] "कौटिल्य-कामन्दकीयादिनीतिपटलकौशलं ..."

[3] "... इयमिदानीं चाचार्यविष्णुगुप्तेन नीत्यर्थे षड्भिः श्लोक-शतैः संक्षिप्ता ..."

"The science of Daṇḍanîti (Politics) has been of late abridged into 6000 slokas by Achâryya Vishṇu Gupta for the benefit of the Maurya." The results of a study of that work, difficult as it is, requiring a knowledge of various other sciences, are ironically described by Vihârabhadra (to dissuade his king from its study) in a long passage which bristles with quotations from the *Arthaśâstra*. Thus one of the results is stated to be that the reader will have to gravely decide what quantity of rice will be required to satisfy his appetite[1] ["चामकुचेरपि कृते तण्डुलैः द्रयक्षैः द्रयाणोदनः सम्पद्यते"]; what quantity of fuel will cook a certain quantity of rice[2] ["द्रयस्य चोदनस्य पाकाय रतावत् द्रव्यं पर्य्याप्तमिति मानोन्मानपूर्व्वं देयम्।"]. Next follows a sarcastic enumeration and criticism of the king's daily duties according to Châṇakya, which closely follows that of the text before us. Thus the following expressions have been borrowed from the *Arthaśâstra*[3]:

[1] Cf. *Arthaśâstra*, Bk. II, ch. xv, where quantities of food are determined for the higher castes (चार्य्य), lower castes (चवर), for women, and also for children.

[2] Cf. *Arthaśâstra*, Bk. II, ch. xix: "षाडपञ्चविंशतिपलं तण्डुलप्रस्थसाधनम्।"

[3] See the chapter on राजप्रविधिः of the first Book.

"आयव्ययजातं आढ्यः प्रथमेऽहनि भागे श्रोतव्यम्"; "द्वितीये अन्योऽन्यं विवदमानानां प्रजानां आक्रोशैः दह्यमानकर्णः कष्टं जीवति"; "तृतीये स्नातुं भोक्तुं च लभते"; "चतुर्थे चिरव्यतिपत्तिपदाय दूरं प्रसारयन्निव उत्तिष्ठति"; "पञ्चमे मन्त्रचिन्तया महान्तमायासं अनुभवति ... सिद्धः सन्मुख दोषगुणौ दूतचारवाक्यानि ... उपजीवन्ति"; "षष्ठे खैरविहारः मल्लो वा सेव्यः"; "सप्तमे चतुरङ्गबलः प्रत्यवेक्षण प्रयासः"; "अष्टमे सेनापतिसचिवैः विक्रमचिन्ताक्लेशः"; "पुनः उपास्य एव सन्ध्यां प्रथमे रात्रिविभागे मूढ पुरुषाः द्रष्टव्याः"; "द्वितीये भोजनान्तरं श्रोत्रिय इव स्वाध्यायं आरभते"; "तृतीये तूर्यघोषेण संविष्टः"; "चतुर्थपञ्चमौ शयीत"; "पुनः षष्ठे शास्त्रचिन्ता कार्यचिन्तारम्भः"; "सप्तमे मन्त्रग्रहः दूतादि प्रेषणानि च"; "अष्टमे पुरोहितादयः अर्थेत्य एनमाहुः"।

Thus these borrowings of Daṇḍî from the *Arthaśâstra* are a further proof that the work had an actual existence, and that it was the production of Châṇakya.

Among other Sanskrit works which also allude to the *Kauṭilîya Arthaśâstra* may be mentioned the *Nandisûtra*[1] of the Jainas, the *Pañchatantra*[2] and the *Nîtivâkyâmṛita*[3] of Somadeva. Lastly, we may refer to the evidence of numerous quotations from Kauṭilya in Mallinâth's Commentary on Kâlidâsa's

[1] P. 891, Calcutta ed., quoted in *I. A.*, Jan., 1905, p. 6.
[2] Ch. i.
[3] Edited in the Kâvyamâlâ Series, Bombay.

Raghuvaṇśa and other works.[1] Even Kâlidâsa would appear sometimes to borrow phrases of Kauṭilya's book.[2]

We have now considered the available evidence proving (1) the political connexion of Kauṭilya with Emperor Chandra Gupta Maurya, and (2) the existence of the *Kauṭilîya Arthaśâstra* as a literary work. It now remains to prove that that work is the production of an individual author and not of a

[1] *E.g.* Mallinâth on *Raghuvaṇśa*, Sarga 17, sloka 49: "अथ कौटिल्य :—कार्य्याणां नियोग-विकल्प-समुच्चया भवन्ति अनेनैवोपायेन नान्येनेति नियोग: अनेन अन्येनवेति विकल्प: अनेन चेति समुच्चय: इति," which is taken from the *Arthaśâstra*, Bk. IX, ch. vii, pr. 147. *Ibid.*, sloka 55: "अथ कौटिल्य:—क्षीणा: प्रकृतयो लोभं क्षुब्धायान्ति विरागताम् । विरक्ता यान्त्यमित्रं वा भर्त्तारं भ्रन्ति वा स्वयम्," which corresponds to *Artha.*, Bk. VII, ch. v, pr. 108–110. *Ibid.*, sloka 56: "अथ कौटिल्य:—समध्यायोभ्यां सन्दधीत हीनेन विग्रहीयात्," which corresponds to *Artha.*, Bk. VII, ch. ii, pr. 101–2. *Ibid.*, sloka 76: "मन्त्रप्रभावोत्साहशक्तिभि: परान् सन्धयात् इति कौटिल्य:," which corresponds to *Artha.*, Bk. VII, ch. xv, pr. 117–120. *Ibid.*, sloka 81: "दुर्बलो बलवत्सेवी बलवान्छ्रिनादिभि: । बलेन इन्द्रोपनतोभर्त्यैबलमवस्थित: इति कौटिल्य:," which corresponds to *Artha.*, *ibid.* *Ibid.*, Sarga 18, sloka 50: "अथ कौटिल्य:—धर्म्माधर्म्मौ त्रयां अर्थानर्थौ वार्त्तायां नयानयौ दण्डनीत्यां इति," which corresponds to *Artha.*, Bk. I, ch. i, pr. 1.

[2] Thus the phrase "अभिधन्द धनेन" of *Kumârasambhava*, VI, xxxvii, occurs in Bk. II, ch. i; similarly, *Raghuvaṇśa*, III, xxviii, uses phrases of *Kauṭilya*, I, v, 8.

school, as is frequently the case with Indian treatises.

Fortunately, the above proposition has been argued at great length and in a quite convincing manner by the learned German orientalist Prof. Jacobi,[1] who successfully combats Hillebrandt's[2] view that Kauṭilya is not himself the sole author of the *Arthaśâstra*. Hillebrandt based his view on the inference that the expressions "इति कौटिलीयः" and "नेति कौटिलीयः," occurring no less than seventy-two times in the text, show that it is not the work of an individual author named Kauṭilya but of a school. It is, however, forgotten that the use of the first person and the consequent assumption of prominence or self-assertiveness by an author who wants to refute opposite views is always repugnant to Indian feeling, and the other alternative of writing one's own name in that connexion is invariably followed as a piece of literary etiquette in India. Secondly, to say that a work is the production of a school would mean (i) that its alleged author was the founder of

[1] *Sitzungsberichte der Königlich Preussischen Akademie der Wissenschaften*, xxxviii, 1912, pp. 882–849.

[2] *Das Kauṭilîyaśâstra und Verwandtes*, Breslau, 1908.

the school traced to him in which discussions lead to definite conclusions and the creation of a tradition which is handed down from teacher to students, and (ii) that the tradition so created is afterwards embodied in a book-form by later students. None of these assumptions would, however, apply to Kauṭilya, considering the historical position of the man who, according to unanimous tradition as explained above, played such an important part not only in the foundation of the Maurya empire, but also in its governance as its first Chancellor with his onerous State duties. As Prof. Jacobi well observes: "One can hardly imagine that Bismarck after his day's work should have held a conference with the professors of a college over politics and State administration, and it is hardly less improbable to assume that Kauṭilya, the Indian Bismarck, should like an ordinary Pandit surround himself with students, teach them the *Arthaśâstra*, and found a school." The fact is, that the book begat the school, and not the school the book.

Nor do Kâmandaka's references to Kauṭilya's work prove it to be the production of a school, as may be easily assumed; for Kâmandaka's

mention of Vishṇu Gupta, *i.e.* Kauṭilya, as his *guru* cannot be interpreted in the literal sense of the term so as to point to the origin of the *Arthaśâstra* in a school. This is clear from the character of the *Nîtisâra* as well as from its contents. It is professedly an abridgment ["संक्षिप्त ग्रन्थ"] of the comprehensive work traced to Kauṭilya, which, though its principal source, is not, however, its only source, and is not also blindly followed. Kâmandaka is not a one-sided follower of his master; he refers to the opinions of other राजविद्याविदः besides the authority of Kauṭilya; and there are points of agreement[1] as well as difference[2] between the two. Besides, Kâmandaka presents only a small part of the *Arthaśâstra* and omits those very subjects which have a bearing on actual administration and which give so much value to Kauṭilya's work; for instance, such subjects as administration, control of trade and professions, justice, etc., as also universal maxims of government. The fact of the matter was that Kâmandaka was no practical statesman, but a Pandit fond of disputation and showing

[1] *E.g.* classification of knowledge.

[2] *E.g.* the theory of the Maṇḍala or political sphere.

off political wisdom; and the use that he has made of Kauṭilya's work only strengthens our conviction that the work is not scholastically delivered tradition but bears the stamp of an individual author and his times.

The same conviction is also borne in upon us by the contents of the *Arthaśâstra* itself and its internal evidence, which we shall now proceed to set forth after Prof. Jacobi.

The first piece of internal evidence is furnished by the references of Kauṭilya to his predecessors, which betray the critical tendency unmistakably suggestive of an individual author. Thus Kauṭilya mentions his predecessors no less than 114 times—"एतत् कौटिल्य दर्शनं" occurring only once[1]—and in all those numerous references Kauṭilya quotes opinions only to differ from them. This abundance of criticism, opposition and contradiction seems evidently to indicate a strongly marked individuality and a critical personality, and is quite in keeping with the spirit of the concluding verse referred to above about the author's justly claimed services to learning. Further, if Kauṭilya's work were the production of a

[1] I, x, 6, p. 17.

compiler of his school long after Kauṭilya's death, would there be any interest in the use of such forms as इति कौटिल्यः and इति कौटिल्यः, and repeatedly establishing that Kauṭilya's doctrines differed from those of his predecessors? And, in that case, would also the expression "इति आचार्याः," as applied to opponents, be used by a late student of Kauṭilya's school when it would also apply to Kauṭilya himself as an आचार्य?

Secondly, we should note the fact that the two greater parts of the *Arthaśâstra* contain no mention of opposite views, viz. pages 69–156 and 197–253 of the book, comprising parts of Books entitled अध्यक्षप्रचार, कण्टकशोधन, and योगवृत्त, the last chapter of which treats of the significant subject "What is to happen in cases of imminent vacancy of throne?" Those parts do not treat the general principles so much as practical regulations in detail, such as administration, control of trade and industry, the police, the budget, and the like, about which scholasticism has no need to trouble itself but which are of the greatest moment to the practical statesman. We accordingly find that in his treatment of those subjects Kauṭilya does not take

any opportunity for controversy, and stands there all alone with no previous tradition to consider or criticize. This is also evident from the significance of the word "प्रायशः"[1] in the opening line of the book which refers to the previous *Âchâryyas*.

Next, we have to consider how Kauṭilya alludes to his predecessors. He uses both the plural and the singular number in respect of them, and in the former case he means the *school*,[2] and in the latter the *individual author*.[3] What is worthy of note is that these sources are mentioned in a definite order[4] in several places, which is probably not the chronological order, but rather seems to be the order of merit determined by Kauṭilya's own estimation, or the order determined by his convenience of discussion. The arranging of the *Âchâryyas* in such an arbitrary order is

[1] "इयमिह लाभे पालने च यावन्ति अर्थशास्त्राणि पूर्व्वाचार्य्यैः प्रस्थापितानि प्रायशस्त्राणि संहृत्य एकमिदमर्थशास्त्रं कृतम्।"

[2] *E.g.* मानवाः, बार्हस्पत्याः, औशनसाः, पाराशराः, etc.

[3] *E.g.* भारद्वाजः, विशालाक्षः, पिशुनः, कौणपदन्तः, वातव्याधिः, वातुरुदन्तीपुत्रः, etc.

[4] *E.g.* I, vi, 4, pp. 18 ff.:—भारद्वाज-विशालाक्ष-पराशर-पिशुन-कौणपदन्त-वातव्याधि-वातुरुदन्तीपुत्र। The same order is seen on pp. 82 ff., and on pp. 325 ff.

possible only to a great master, and not to an ordinary writer of a text-book. It may also be noted in passing that the schools mentioned by Kauṭilya were not exclusively the schools of चर्यशास्त्र only, but of चर्यशास्त्र, which comprehended political discussion as a subsidiary topic. It seems that the चर्यशास्त्र did not differentiate itself as an independent school or branch of learning before Kauṭilya.

Fourthly, a careful consideration of the style of the *Arthaśâstra* would also indicate its individual authorship. Broadly speaking, the course of literary development in India embraces three well-marked stages: in the *first* stage the previously accumulated tradition or discipline undergoes development in and through a school or schools devoted thereto; the *second* stage is that of the composition of *Sûtras*, which lead to some *siddhântas*, or definite formulæ and conclusions, the exposition of which is conducted by the school, though the contents receive thereby a further expansion; the *third* stage is that of the composition of *Bhâshyas*, which lead to freedom from the control of the schools, and ushers in the stage of individual authorship. Thus,

while the text-books produced by schools (*e.g.* the *Śrauta-Dharma-Gṛihya-Sûtras*) show the style of *Sûtras*, the works of individual authors (*e.g.* Yâska's *Nirukta*, Patañjali's *Mahâbhâshya*, etc.) bear a different character. They contain dogmatic statements, together with discussion supporting their own views, and the style passes from that of the *Sûtras* to the style of the *Bhâshyas*. Similarly, in Kauṭilya's work there are some parts characterized by the brevity and dogmatism of the *Sûtras*, while there are other parts in which the author indulges in certain breadth and minuteness of details after the manner of the *Bhâshyas*. Thus the *Arthaśâstra* partakes of the character of both *Sûtra* and *Bhâshya* at the same time, and this is also admitted by the couplet added at the end of the book, viz. :—

दृष्ट्वा विप्रतिपत्तिं बहुधा शास्त्रेषु भाष्यकाराणां ।
स्वयमेव विष्णुगुप्तश्चकार सूत्रञ्च भाष्यञ्च ॥

Hence the style of the work shows that it belongs to the class of literary works which are not the productions of schools but of individual authors.

We shall now discuss the evidence as to

individual authorship furnished by passages in the book itself. These passages are given below:—

(1) सुखपरैरविज्ञेयं तत्त्वार्थपदनिश्चितम् ।
कौटिल्येन कृतं शास्त्रं विमुक्तःग्रन्थविस्तरम् ॥ [I, i.]

(2) सर्व्वशास्त्राण्यनुक्रम्य प्रयोगमुपलभ्य च ।
कौटिल्येन नरेन्द्रार्थे शासनस्य विधिःकृतः ॥ [II, x.]

(3) एवं शास्त्रमिदं युक्तं रतानिस्तन्त्रयुक्तिभिः ।
अवाप्तौ पालने चोक्तं लोकस्यास्य परस्य च ॥ [XV, i.]

(4) धर्म्ममर्थं च कामं च प्रवर्त्तयति पाति च ।
अधर्म्मानर्थविद्वेषानिदं शास्त्रं निहन्ति च ॥ [*Ibid.*]

(5) येन शास्त्रं च शस्त्रं च नन्दराजगता च भूः ।
अमर्षेणोद्धृतान्याशु तेन शास्त्रमिदं कृतम् ॥ [*Ibid.*]

The suggestion that all these passages might have been later additions to the text cannot stand, because, as pointed out by Prof. Jacobi, "if they are taken out, then the customary metrical conclusion will be wanting in the chapters concerned." They may therefore be taken to be integral parts of the text.

In the first passage the expression "सुखपरैरविज्ञेयं," as pointed out by Prof. Jacobi, is a clear indication of individual authorship, for "so speaks the author of a text-book meant

for self-instruction," for individual learners, and not for the school, for a *Sûtra* need not be सुखपठनविज्ञेय, because for its understanding the teacher has to look to the school. This inference is also in keeping with the meaning of the opening words of our text, viz. "पृथिव्या लाभे पालने च यावन्त्यर्थशास्त्राणि पूर्वाचार्यैः प्रस्थापितानि प्रायशस्तानि संहृत्यैकमिदमर्थशास्त्रं कृतम्।" Here there is a reference to individual authors, the earlier masters, and not to school traditions or schools, as must have been the case had the work of Kauṭilya been the product of a school.

The same contention is again supported by the second passage, which refers to practical administration and regulations [प्रायोगिकाधिकार] which are above scholastic wisdom. Here Kauṭilya claims special merit for his work, for these matters had not been sufficiently handled by previous masters. The personal note of the passage is also unmistakable, for would a mere "school compiler" have thus boasted of laying down regulations for guidance of emperors?

Of the next three passages, the first passage relates itself to the opening words of the text, the second promises the attainment of चिरत्व as

the end of the *Arthaśâstra*, while the last verse indicates who the author is, not by mentioning his name, which had already appeared twice, but by enumerating his virtues or achievements with incomparably forcible brevity. This is not the language of vain self-glorification, but of one who speaks self-possessed from the height of human fame. But, as Prof. Jacobi well observes, in spite of the self-consciousness undiluted by any sham modesty, one still perceives in the words of Chandra Gupta's Chancellor a courtly discretion which omits to mention the name of his master whom he had raised to the throne, for in that connexion it would have been supremely indecorous. This graceful self-restraint, this aristocratic reserve, is very significant and well worthy of the man and his position in life. It is only a later author, untrammelled by such discretion or restraint, who can unreservedly mention the name of Emperor Chandra Gupta in connexion with the eulogy of Kauṭilya as Kâmandaka, for instance, has done in the passage quoted above.[1] Lastly, the full significance of the phrase "**चणकेन उद्धृतं**" has to be noted.

[1] See p. xiii above.

When applied to learning, it shows Kauṭilya's impatience of the narrowness and shallowness of his predecessors, which irritated him into activity, and is also an expression of the contempt of the Statesman for the Professor—of which Bismarck, for instance, made no concealment—a contempt which manifests itself throughout the book in the frequent references to the *Âchâryyas* and their doctrinairisms and the refutation of their teachings, and also in the necessity he felt for treatment of important topics omitted by previous masters but indispensable in a useful hand-book of Politics.

We have now considered the internal evidence of the book itself, which proves its genuineness as the production of Kauṭilya. The suspicion which has gathered round the work is due to the fact that literary forgeries have been very common in India, and individual authorship very rare. It is, however, forgotten that these forgeries invariably connect themselves with divine names, with gods and *ṛishis*, or the *gurus*, *e.g.* books which passed under the names of Manu, Yâjñavalkya, Vyâsa and the like. But a literary adulteration in respect of a historical personality supported by

careful correspondence to the special features of the original (like the *Letters of Phalaris*, for example) is a refined imposture unheard of in India, and totally foreign to her soil. There is also another kind of literary practice in India which involves false naming of authors, and is frequently resorted to in cases where the author does not like to mention his own name but mentions instead that of his patron who brought about the composition of the work, *e.g.* the works going under the name of Bhoja, King of Dhârâ. Such a genesis, however, cannot apply to the work of Kauṭilya, wherein the author attributes to himself the merits of the work. It can, of course, hardly be denied that Kauṭilya must have had co-workers in many parts of his book, especially those which treat of technical details. Public officers of State in charge of the several departments of administration must have supplied to him materials which Kauṭilya has only edited; but this fact of itself does not vitiate the genuineness of the book as the production of Kauṭilya.

The universal reverence attaching to epoch-making masterpieces preserves them against

the ravages of time and interpolators alike. They never get antiquated, but they become canonical. So has been preserved through centuries Yâska's *Nirukta* as well as Patañjali's *Mahâbhâshya*. This is also true of the *Kauṭilîya Arthaśâstra*, which has further preserved itself by the numbering of its प्रकरण's and the sketching of its contents. Thus the suspicion against the genuineness of the work is unfounded, while the unanimous Indian tradition according to which the *Arthaśâstra* is the work of the famous Minister of Chandra Gupta is confirmed most decisively, as we have already seen, by a series of internal reasons furnished by the book itself.

In this connexion I should like to draw pointed attention to a few other passages in the text which, to my mind, contain indirect allusions and veiled references to the Emperor Chandra Gupta in respect of whom the *Arthaśâstra* has carefully avoided any *direct* reference for reasons already explained, and which will no doubt be found to supply additional and valuable links in the chain of reasoning by which we are supporting our thesis that the book is a genuine production of the Minister

of Chandra Gupta. These passages are as follows:—

(1) अप्रतीतो हि [दण्डः] मात्स्यन्यायमुद्भावयति। यतो-न्यायत्वं हि प्रसते दण्डधरापाये। तेन मुग्नः प्रभवति।
[I, iv, 1.]

(2) विद्याविनीतो राजा हि प्रजानां विनये रतः।
अतस्तां हृषिवीं मुञ्जे सर्वभूतहिते रतः। [I, v, 2.]

(3) तद्विपरीतस्तिरश्चेन्द्रियस्वाधुरस्तोऽपि राजा सद्यो विनश्यति। [I, v, 3.]

(4) देशः पृथिवी; तस्यां हिमवत्समुद्रान्तरमुदीचीनं योजनसहस्रपरिमाणं चतुर्भुजं चक्रवर्तिक्षेत्रम्।
[I, ix, 135-6.]

The first of these passages easily lends itself to the interpretation that Kauṭilya seeks to justify his action in connexion with the usurpation of the throne by Chandra Gupta, whose strong and righteous administration [यथार्हदण्डः and सुविज्ञात प्रणीतो दण्डः] abolished the anarchy and misrule due to the profligacy and unpopularity of the previous Nanda king, who was unable to discharge the primary functions of government, viz. the protection of the weak against the strong [अप्रणीतो हि मात्स्यन्यायमुद्भावयति, etc.]; "तेन मुग्नः प्रभवति" would thus mean "for this reason—the abolition of anarchy and

inauguration of order—does मुग, *i.e.* Chandra Gupta,[1] rise and flourish." This is in all probability the hidden meaning of the passage, though its obvious and superficial sense, drawn from the grammar and context, is different from that suggested. The other three passages have also, to my mind, a common veiled reference to the paramount sovereignty established over the whole of India from the Himalayas to the sea [हिमवत्-समुद्रान्तरं, etc.], up to its boundaries in the four directions [चातुरन्तोऽपि राजा], by Chandra Gupta, who reigns as the Lord Paramount, *Chakravarttî*, with none to dispute his rights or share the empire with him [चतस्रां दिशिनीं भुङ्क्ते ।]. Thus, though there are no direct allusions in the *Arthaśâstra* to the sovereignty of Chandra Gupta which might connect it with his times, these indirect and veiled references are, in my opinion, a sufficient compensation for that supposed defect, and they well suit the work of a consummate politician like Châṇakya, who knew very well what to express and what to suppress in writing about contemporary politics.

[1] I owe this suggestion to Mr. K. P. Jayaswal, M.A. (Oxon), Bar.-at-law. I am also deeply indebted to Dr. Brajendranath Seal, M.A., Ph.D., for his many invaluable criticisms and suggestions, and to Mr. Law for material assistance.

And read between the lines, the *Arthaśâstra* will be found to throw out sure and sufficient hints as to the age of its production.

Before I conclude, I should not pass over one other matter of importance in this connexion, viz. the striking correspondence between parts or passages of the *Arthaśâstra* and the accounts of India traced to Megasthenes relating to the period of Chandra Gupta. Such correspondence of the *Arthaśâstra* with a definitely dated document is no doubt of great help in fixing its age. A close study of both will show that the Book of *Arthaśâstra* entitled षाधगुणप्रचार gives a full view of Indian administration of which only a partial view can be obtained from the observations of Megasthenes [Frag. xxxiv]. This may be indicated as follows :—

1. "*Of the great officers of State, some have charge of the market, others of the city, others of the soldiers.*" This corresponds to the षन्निधाता of the *Arthaśâstra*, under whom were such officers as पण्याध्यक्ष, सूत्राध्यक्ष and the like, who looked after commercial matters, the नागरिक or city magistrate charged with the municipal administration and policing of the city, and

lastly such officers as नावध्यक्ष, पत्त्यध्यक्ष, सेनापति, etc., who were in charge of the military.

2. "*Some superintend the rivers, measure the land . . . and inspect the sluices by which water is let out from the main canals into their branches.*" Kauṭilya also mentions provisions for irrigation under the Superintendent of the Admiralty [नावध्यक्ष] for inspection of rivers and water-courses. He also refers to canals and sluices, as in the passage "सेतुश्चोत्सृष्टसेचनपारेषट्पथोदकः," etc. [Bk. III, ch. x, 61], and mentions four modes of irrigation, viz. irrigation by hand [स्वहस्तावर्त्तिम], by water carried on shoulders [स्कन्धावर्त्तिम], by mechanical contrivances [यन्त्रावर्त्तिम], and by water from tanks, wells and rivers [नदीसरस्तडागकूपोद्घाटम्]. In the following passage, "यानप्रदर्शिमनन्दिविवन्धावसथसेतुतडागकेदाराराम-पथवापानां . . ." there is perhaps a reference to the raising of water from wells and tanks by bullocks, and also to devices worked by wind-power, *i.e.* windmills.

As regards officers who "measure the land," a reference may be made to duties of officers called गोप, स्थानिक, etc., in the *Arthaśâstra*, who were entrusted with the very same duties [Bk. II, xxxv, 54–55].

3. "*The same persons have also charge of the huntsmen . . .*" In the *Arthaśâstra* hunters were placed under the immediate control of an officer called मृगपक्षिव्यालाध्यक्ष, the Superintendent of Pastures, whose duties are set forth in detail [Bk. II, xxiii, 52–53].

4. "*They collect the taxes and superintend the occupations . . .*" In the *Arthaśâstra* there is a detailed account of the arrangements for the collection of taxes or revenue. The chief responsible officer was the समाहर्ता, under whom were the heads of several departments who collected the revenue for which they were responsible and sent it on to the समाहर्ता [II, vi, 24].

5. "*They construct roads . . .*" This was done under the superintendence of the समाहर्ता [*ibid.*].

6. "*The members of the first body look after everything relating to the industrial arts.*" The *Arthaśâstra* also [IV, i, 76] speaks of the State supervision of industries, so as to secure proper observance by artizans of rules governing the preparation or manufacture of products [IV, i, 76].

7. "*The third body consists of those who inquire when and how births and deaths occur,*

with the view not only of levying a tax, but also in order that births and deaths . . . may not escape the cognizance of Government." The *Arthaśâstra* also gives details of census operations carried on by officers termed सानिध, गोप, etc. [see II, xxxiv, 54–55, and xxxvi, 56].

8. "*The fourth class superintends trade and commerce. Its members have charge of weights and measures, and see that the products in their season are sold by public notice.*" The officer termed संस्थाध्यक्ष in the *Arthaśâstra* had also to detect false weights, measures and balances, and check the sale of adulterated goods and of inferior goods passed as superior [see chapter on वैदेहकरक्षणम्]. He also regulated sales.

Similarly, Megasthenes' account of the organization of the War Office, with its six divisions, corresponds very well with what Kauṭilya says about the officers termed नावध्यक्ष, पत्त्वध्यक्ष, रथाध्यक्ष, हस्त्यध्यक्ष, सेनापति, etc. His account of "the seven castes among the Indians," also, will be found on a closer analysis to correspond to the duties of the four traditional castes as laid down in the *Arthaśâstra* [see p. 7, I, i, 1]. Among other minor correspondences may be mentioned Megasthenes'

reference to elephants *turning the scale of victory*, which is to be compared with Kauṭilya's दन्तिप्रधानो विजयो राज्ञाम् [II, ii, 20]; his reference to "exercising the body by friction" is supported by the duties of the संवाहक, as mentioned in the chapter on चारप्रचारकम् [Bk. I]; that about "the care of the king's person being entrusted to women" is supported by the chapters on चारप्रचारकम् [Bk. I] and गणिकाध्यक्ष [Bk. II]. His observation that "the king may not sleep during the day-time" is supported by the account of the king's daily duties in chapter राजप्रणिधिः [Bk. I]; that about "the guard of armed women" by Châṇakya's स्त्रीभिः सन्निभिः of chapter चारप्रचारकं [Bk. I]; that about "enclosures" for the king's hunting may be compared with मृगवनं विहारार्थं राज्ञः कारयेत् as referred to in the chapter मृगपक्षिग्रहविधानं [Bk. II]. The reference about the king's processions being very well guarded finds its parallel in what Kauṭilya says about them towards the end of the chapter on चारप्रचारकम्.[1] Women attendants of the king, on chariots, as mentioned by Megasthenes, are also mentioned by Kauṭilya in his chapter on

[1] "निर्याणेऽभियाने च राजमार्गमुभयतः छत्तारकं दण्डिभिरपाक्षप्रक्षदण्डप्रग्रहितवक्षसंमच्छेत् . . ."

अधिकाध्यक्षः [Bk. II]. The reference about "houses being left unguarded" as contained in Megasthenes is perhaps connected with the custom mentioned in the *Arthaśâstra* of leaving some parts of every house ["अधिद्वारगवाक्षयो"] open for all [III, viii, 61]. The mention by Megasthenes of the marriage dowry of "a yoke of oxen" corresponds to Kauṭilya's गोमिथुनादानादर्घः [III, ii, 59]. The practice of the Admiralty "letting out ships on hire for transport of passengers and merchandise" is also referred to in the chapter on नावध्यक्ष. *Overseers* as a class of officials as mentioned by Megasthenes correspond to the *châras* of the *Arthaśâstra* about whom so much has been said in its several chapters. Megasthenes' reference to horses and elephants with persons specially "appointed to take care of them" is amply borne out by the chapters अश्वाध्यक्ष and हस्त्यध्यक्ष as indicated above. The reference of Megasthenes to the *Royal Road* from east to west is corroborated by the accounts of roads in the *Arthaśâstra* [VII, xii, 116] in which roads leading to the Himalayas [हैमवतः] and to the west [पूर्वापथिमयोः अधिकृपथः] are specifically mentioned. The precautions against fire as detailed in the *Arthaśâstra* [II,

xxxvi, 56, and IV, ii, 78], where ten different remedies are laid down [दशमूलीसंग्रह] for universal use of householders, as also the municipal regulations by virtue of which, in all the principal roads of a city and in front of royal buildings, vessels filled with water were kept; which forbade building straw houses in the city, and confined those who worked with fire, *e.g.* blacksmiths, to isolated parts of the city: all these have really a reference to the wooden architecture prevalent in the period as indicated in the chapter on दुर्गविधानं [Bk. II] and also mentioned by Megasthenes [Frag. xxvi].

Lastly, the testimony of Megasthenes to the high degree of development which material civilization attained in India is abundantly supported by the detailed information furnished by the *Arthaśâstra* on the subject. It would take too much space, and is hardly necessary, to prove by quotations the truth of Megasthenes' remarks [Frag. i] that the Indians are "well skilled in the arts," and "while the soil bears on its surface all kinds of fruits which are known to cultivation, it has also underground numerous veins of all sorts of

metals . . . which are employed in making articles of use and ornament, as well as the implements and accoutrements of war." The *Arthaśâstra* is a sort of running commentary on the above statements, as will be evident from Mr. Law's *Studies*, and from most of the chapters of the second Book of the *Arthaśâstra*, entitled खनकर्मप्रचार.

In conclusion, I should also note that some of the technical and peculiar words ot the *Arthaśâstra* which were current in its times have been used in the Edicts of Asoka which, according to the theory discussed here, belong to a later age. These are: लुपा [Rock Ed. III], equivalent to लुप्ताः of Kauṭilya (p. 57); रजुका [R. Ed. III], corresponding to रज्जुक in चोररज्जुक of Kauṭilya (p. 232); पाशडेषु [R. Ed. V, etc.], which occurs in Kauṭilya (p. 144 and elsewhere); समाज [R. Ed. I], which corresponds to समाज in the phrase उत्सवसमाज of Kauṭilya (p. 121); महामाता [R. Ed. XII], which is equivalent to महामाच of Kauṭilya (p. 58 and elsewhere), and the like. Among the institutions which are referred to both in Kauṭilya and the Edicts may be mentioned (1) the exemption from slaughter of certain animals and birds

specially mentioned both in the Edicts and the *Arthaśâstra, e.g.* चक्रवाक्, मृक, मारिका, हंस, दात्यूह, etc. [R. Ed. V, and Kauṭilya, p. 122]; (2) the zenana system, or the seclusion of women, which is indicated by the word ओरोधने [R. Ed. V], and is also referred to in Kauṭilya (p. 147) in the words "ओधानविप्रवासिनीनाम्," and also in the chapter सूनाधच of Book II; (3) the planting of medicinal herbs, and fruit-trees along roads, as also the digging of wells as works of public utility, which are mentioned both in the Edicts [*e.g.* R. Ed. II and Pillar Ed. VII] and Kauṭilya (p. 56 and elsewhere).

We have now considered the various arguments which may be advanced to support the authenticity of the *Arthaśâstra* as the production of Kauṭilya, the Minister of Chandra Gupta. Its age thus ascertained, it is difficult to overestimate its importance for the history of culture, and especially Indian culture. As an exposition of an ancient polity it takes its place by the side of the other ancient compilations such as the Babylonish Code of Hammurabi and the works on Greek politics such as those of Aristotle and Plato. The Code of Hammurabi, however, only treats of practical re-

gulations appropriate to a mercantile civilization, which are not parts of any system of polity, while both Aristotle's *Politics* and Plato's *Republic* go to the other extreme of treating only of the theory of the State and Constitution. In the *Arthaśâstra* we find a combination of theory and practice, principles of government, as well as administrative details and regulations, treated with a touch of refreshing realism which is born only of a living experience of actual problems and contact with facts. The system of polity as revealed in the *Arthaśâstra* is complete in all aspects and details, and exhibits those features which are characteristic of India. Agriculture and commerce, arts and crafts for which India is ever noted, receive their due treatment and emphasis in the book; forests and mines, irrigation and famine, land revenue, census, central and municipal government, cattle and livestock, are the eternal topics of Indian administration, conditioned, as every government is, by its natural and historical environment. And when we find that all these familiar problems have been treated in the *Arthaśâstra*—problems which are still exercising the British

Government of India at the present day—we cannot but discover the operation of an evolutionary process which is ultimately governing the development of Indian administration through Hindu, Mahomedan and modern times.

RADHAKUMUD MOOKERJI.

CONTENTS.

CHAPTER		PAGE
I.	Preliminary, Mining, Irrigation and Meteorology	1
II.	The Department of Live Stock: Cattle and Pasture	16
III.	The Department of Live Stock: Game, Forests and Horses	34
IV.	The Department of Live Stock: Elephants.	53
V.	Means of Communication . . .	68
VI.	Minor Works of Public Utility . . .	88
VII.	The Census	106
VIII.	The Courts of Justice	117
IX.	Legal Procedure	122
X.	The Law of Contract:	
	(1) General	136
	(2) Sale and Pre-emption . . .	155
	(3) Loans	170
	(4) Deposit, etc.	179
	Index	197

STUDIES IN ANCIENT HINDU POLITY.

CHAPTER I.

PRELIMINARY. MINING. IRRIGATION. METEOROLOGY.

§ 1: *Preliminary.*—The Arthaśâstra of Kauṭilya, which has been recently edited and published by Mr. R. Shama Sastri, possesses a great interest and importance not only to students of Sanskrit literature, but also to students of Indian history. It throws a flood of light on the material, social and political condition of the ancient Hindus during the third and fourth centuries before the Christian era. It is in fact a unique record of the secular aspects or developments of Indian civilization in that brilliant period of Indian history—the Age of Chandra Gupta. For information regarding this period or the sources of its history,

we had hitherto unfortunately to depend mainly upon the meagre accounts left by Greek writers whose interest in India was first roused by the invasion of Alexander. This work of Kauṭilya, however, removes to a great extent our want in this direction by opening up a mine of information which is as full as it is reliable.

I therefore propose to utilize this work, in a number of chapters, as a source of information regarding the aforesaid period.

One of the most striking features of Chandra Gupta's government revealed by the Arthaśâstra is that it achieved many triumphs in peace which were no less than those of war—in fact, Chandra Gupta was as well known for the numerical strength and the efficiency of his army and the organization of his war office as for those regulations and institutions which ensure the material welfare of a country. In the present chapter I shall refer to some of the most prominent works and institutions of public utility of his time, which are definitely indicated by passages in the Arthaśâstra.

There can be little doubt that the department of public works in the government of Chandra Gupta was fairly well organized, with

its scope and functions clearly defined. The area of its activity was quite extensive, and included among other things the working of mines, the opening of irrigation works, the establishment of factories; the maintenance of preserves and grazing grounds, of highways of commerce, waterways, land-routes, and other facilities for communication; the establishment of markets and stores; the construction of embankments, dams and bridges; the planting of fruit and flower trees, of medicinal plants and herbs (*i.e.* the establishment of Ayurvedic and pharmaceutical gardens); and lastly, the State protection of the disabled, the helpless and the infirm, and also of the lower animals, thus anticipating some of the tendencies of modern legislation. I quote below some of the passages which contain references to these works and institutions:—

(i) आकरकर्मान्तद्रव्यहस्तिवनव्रजवणिक्पथप्रचारान् वारिस्थलपथपण्यानि च निवेशयेत्।

—Bk. II, जनपदनिवेशः, p. 47.

(ii) सेतुबन्धारण्यादार्द्रौदकान् सदोदकः क्षेत्रान्।

—Bk. VII, कर्मसमिः, p. 297.

(iii) एवं द्रव्यं द्विपदचतुष्पदं सेतुबन्धवणिक्पथान्
रक्षेत् पुण्यजनान् राजा नवांश्चाभिप्रवर्तयेत्।

—Bk. II, जनपदनिवेशः, p. 49.

(iv) उत्तरपश्चिमभागं पद्मभेषज्यमटवीं ।
—Bk. II, दुर्गनिवेशः, p. 55.

(v) सदोदकमार्द्रार्द्रकम् वा सेतुं बन्धयेत् । अन्येषां वा बध्नतां भूमिमार्गदर्शोपकरणानुग्रहं कुर्यात् ।
—Bk. II, जनपदनिवेशः, p. 47.

(vi) मृगयधर्मस्त्रीयं मद्यमांसीयं, विभक्तस्त्रीपुरुषप्रजनसंसारतः सुमुखकल्पं बन्धनागारं कारयेत् ।
—Bk. II, संस्थाध्यक्षकर्म, p. 58.

(vii) भिषग्भैषज्यागारान् आचार्यविशुद्धभैषजं मटवीला पाचकपोषकाभ्यामात्मना च प्रतिसार्य राज्ञे प्रयच्छेत् ।
—Bk. I, आत्मरक्षितकम्, p. 44.

(viii) बन्धभैषज्योशीरक्षीरवेर पिप्पलूकादीनां वयसां भूमिषु च स्थानेषु अनूपाटवीषधीस्थापयेत् ।
—Bk. II, सीताध्यक्षः, p. 117.

(ix) सेतुं वनं व्रजं वणिक्पथं चावेक्षेत ।
—Bk. II, समाहर्तृसमुदयप्रस्थापनम्, p. 59.

(x) (*a*) चाण्डटङ्काधिनयसन्यनाथांश्च राजाविभृयात्
(*b*) सेन-चाण्ड-विषयाहैः आधिभिश्च पशुव्रजान् (रक्षेत्) ।
—Bk. II, जनपदनिवेशः, pp. 47, 48.

(xi) चतुः प्राचीना राजमार्गाश्चत्व उदीचीनाः ।
चतुर्द्वयान्तरा रथ्या राजमार्ग-प्रोचसुख-स्थानीय-राष्ट्र-विवीतपथाः ।
सचोनीव-सुरक्षशाल-ग्राम-पथाचट-दण्डाः ।
चतुर्दण्डसेतुवनपथः ।
द्विदण्डोदक्षिणेवपथः ।
पञ्चारत्नयो रथपथचत्वारः पशुपथः ।
द्वौ सुरपशुजनपथः ।
—Bk. II, दुर्गनिवेशः, pp. 54, 55.

§ 2: *Mining.*—Let us first turn to the working of mines. The only two passages in Megasthenes that are worthy of note in this connexion are:—

"And while the soil bears on its surface all kinds of fruits which are known to cultivation, it has also underground numerous veins of all sorts of metals, for it contains much gold and silver, and copper and iron in no small quantity, and even tin and other metals which are employed in making articles of use and ornament as well as the implements and accoutrements of war."—Book I, Fragment i.

The second passage is:—

"The robes are worked in gold and ornamented with precious stones, and they wear also flowered garments made of the finest muslin."—Book II, Fragment xxvii.

These passages show, no doubt, that there were extensive mining operations in those days, but do not satisfy our curiosity as to their details. The Arthaśâstra, however, does this. According to it, there were two classes of mines, viz. (i) ocean mines and (ii) land mines, and expert superintendents were appointed in charge of each class. The duty of the superintendent of ocean mines was to look after the collection of diamonds and other precious stones, pearls, corals, conch-shells and salt. The regulation of the trade in these articles was also one of his duties. It may be

noted in passing that ocean mining unquestionably indicates great progress in the art of navigation and shipbuilding, which will be dealt with hereafter.

A scientific expert was appointed to the post of superintendent of land mines. In the first place, he had to perform the difficult work of prospecting and discovering new mines on plains and mountain slopes. He had to examine and infer from slags, ashes and other such indications whether a mine had been exhausted or not. This department was manned by several other experts, as also by mining labourers. It was also equipped with the necessary scientific apparata.

The superintendent was guided in his work of prospecting by his knowledge of the signs and properties of the mineral ores. He had to pay particular attention to the depth of colour, weight, smell, taste, oiliness, adhesiveness, power of amalgamating with particular metals, and several other mechanical and chemical properties of the ores, in order to ascertain the nature and richness of a mine. We find in the Arthaśâstra the properties of several metals classified, and the large number and variety of

them necessarily lead one to the conclusion that mining reached a stage far above the rudimentary, and that the persons who devoted their attention to it possessed no small power of discrimination. As an illustration[1] I quote below the passage which enumerates the signs of the different kinds of silver ores. It says that the silver ores are those which have the colours of शङ्ख, कर्पूर, स्फटिक, नवनीत, कपोत, पारावत, विमलक, मयूरग्रीवा; of सस्यक, गोमेदक, गुड़ मल्लखण्डिका; of कोविदार, पद्म, पाटली, कलाय, सौमपुष्प, सातसीपुष्प; which are found in combination with सीस, अञ्जन, are विस्र (smelling of raw meat), भिन्न, श्वेताभ, श्यामा, श्यामाभ, श्वेत and लेखाविन्दुचित्र; do not split, and emit much foam and smoke. Similarly, we find mentioned the properties of the ores of gold, float-gold, bitumen, copper,[2] lead,[3] tin,

[1] शङ्ख-कर्पूर-स्फटिक-नवनीत-कपोत-पारावत-विमलक-मयूरग्रीवावर्णाः। सस्यक-गोमेदक-गुड़-मल्लखण्डिकावर्णाः। कोविदार पद्मपाटलीकलाय सौमातसीपुष्पवर्णाः। ससीसाः साञ्जनाः विस्रा भिन्नाः श्वेताभाः श्यामाः श्यामाभाः श्वेताः सर्वे वा लेखाविन्दुचित्रा मृदवो भास्वमाना न स्फुटन्ति बह्वफेनधूमाश्च रूप्यधातवः।
—Bk. II, खाकरकर्मान्तप्रवर्तनम्, p. 82.

[2] Ores of copper— भास्किसस्निग्धो मृदुश्च प्रस्तरधातुर्भूमिभागो वा पिङ्गलो हरितः पाटलो लोहितो वा ताम्रधातुः। *Ibid.*, p. 83.

[3] Ores of lead— काकमेचकः कपोतरोचनावर्णः श्वेतराजिमतो वा विस्रसीसधातुः। *Ibid.*

iron, etc. It is apparent from this that the classification is an elaborate one, and the industry in Chandra Gupta's time reached an advanced stage.

When the superintendent discovered a new mine, he intimated it to Government, stating at the same time the nature of its contents. The Government had to decide whether it would work the mine directly or lease it out to private persons. It was only in the case of those mines that required a large outlay to work them that Government leased them out.

The purification of the ores during the actual exploitation of the mines is an interesting study. The metals were purified by treating them with ingredients most of which were organic. The passage[1] quoted below enumerates these ingredients: नीरस, urine, alkalies, राजवृक्ष, वट, गोलु, cow's bile, urine and dung of buffalo, etc. Again, metals were made permanently or temporarily malleable

[1] तेषाम् (धातूनाम्) अम्लक्षा मूत्रभा वा तीक्ष्णक्षारमाविता राजवृक्षवटगोलुगोपित्तरीक्षा महिष-खरकरटमूत्र-छग-पिच्छवद्धाक्त-प्रतीवापाक्षद्रवक्षेपा वा विभ्रद्धाक्षवन्ति ।
—*Ibid.*, p. 82.

by chemically treating them with several ingredients, *e.g.* ashes of यव, माष, तिल, honey, sheep's milk, clarified butter, powder of cow's teeth and horn.[1] The passage bearing on this point asserts that even if a metal splits into a hundred thousand parts it can be rendered malleable by the prescribed methods. These methods, however, appear to us to be novel, and are quite different from what a metallurgist of the present day would use. But nevertheless they were of service in their day.

After the metals had been purified, the superintendents who looked after the manufacture of articles from the metals took charge of them. There were several such superintendents, *e.g.* a superintendent of gold (सुवर्णाध्यक्षः) for manufacturing ornaments from gold; a superintendent of the inferior metals (लोहाध्यक्षः), viz. copper, lead, tin, bell-metal, त्रपु and सीस, to manufacture commodities from them; a superintendent of the armoury (आयुधाध्यक्षः), one of whose duties was to look after the

[1] यवमाषतिलपलाशक्षारोष्णोदकैः गोक्षीरराजक्षीरैर्वा कदलीवल्कल्प्रतीवापो मार्दवकरः। मधुमधुकमज्जापयःसर्पिः घृतमृद्विष्ठयुतं सकन्दकं—यद्यपि शतसहस्रधा विभिन्नं भवति मृद्विभिरेव तन्निषेकैः। गोदन्तशृङ्गप्रतीवापो मृदुलक्षणः।

—*Ibid.*, pp. 82, 83.

manufacture of metal weapons; a superintendent of the mint (लवणाध्यक्षः) for minting coins from gold, silver, copper, etc.; a superintendent of the treasury (कोशाध्यक्षः), one of whose principal duties was to look after the formation of ornaments of precious stones such as necklaces and bracelets. Commerce in the manufactured metal articles was in the hands of Government. There was a separate superintendent to look after and regulate commerce in salt (लवणाध्यक्षः).

There were regulations for the departments of the superintendents; but leaving them for the present, let us turn to the different kinds of rates that were levied from mines.[1] These were, as the passage quoted below shows—(1) मूल्य, (2) विभाज, (3) वाजी, (4) परिघ, (5) पत्यय, (6) मूल्य, (7) वैधरण, (8) दण्ड, (9) रूप and (10) रूपिक.

Before leaving the subject of mines, it should be noted that in Bk. IV, वाक्यकर्मानुयोगः, there is a passage which lays down the punishment for a Brâhmaṇ who has committed a heinous offence, viz., that though he must not be tortured in any case, his property may be

[1] एवं मूल्यं विभागं च वाजीं परिघमत्ययम्
मूल्यं वैधरणं दण्डं रूपं रूपिकमेव च। *Ibid.*, p. 85.

confiscated or he may be *condemned to the mines*.[1] This resembles the punishment inflicted in Rome on criminals for an offence of the grosser sort.

§ 3: *Irrigation.*—We now turn to the next point, viz. irrigation. That there was an elaborate system of irrigation in the time of Chandra Gupta is already known to us through Megasthenes:

"The greater part of the soil is under irrigation, and consequently bears two crops in the course of a year."—Bk. I, Fragment i.

And again,

"Some superintend the rivers, measure the land as is done in Egypt, and inspect the sluices by which water is let out from the main canals into other branches, so that everyone may have an equal supply of it."—Bk. III, Fragment xxxiv.

These statements are borne out by the Arthaśâstra, and, moreover, certain details are added which we do not find in Megasthenes In the passages

स्वयंप्रावर्त्तिमनुदकभातं पञ्चमं दद्युः ।
स्वन्यप्रावर्त्तिमं चतुर्थम् ।
स्रोतयन्त्रप्रावर्त्तिमं च तृतीयम् ।
चतुर्थं नदीसरस्तटाकक्रूपोद्घाटम् ।
—Bk. II, सीताऽध्यक्षः, p. 117.

[1] (ब्राह्मणं पापकर्म्माणम्) कुर्य्यान्निर्विषयं राजा वासयेदाकरेषु वा । Bk. IV, p. 220.

we see that water-rates (उदकभाग) varied according to the modes of irrigation, which were four in number, viz. irrigation by hand (हस्तप्रावर्तिम), irrigation by water carried on shoulders (स्कन्धप्रावर्तिम), irrigation by some mechanical contrivance (यन्त्रप्रावर्तिम), and irrigation by water raised from tanks and rivers (नदीसरस्तटाकोदपानाहृतम्). The rates were one-fifth, one-fourth, one-third and one-fourth of the produce respectively. Again, in Bk. III, वास्तुविक्रयः, p. 170, which speaks of remission of taxes in the case of repair of old tanks and construction of new ones, and also in the case of improvement and extension of waterworks, we find it laid down—वातप्रवर्तिमनन्दिमातृकाआवतन-तटाकक्षेदाराक्षमपण्यवापानां सक्षपर्षभागोत्तरिकमन्येभ्यो वा यथोपकारं दद्युः। which shows that there were not only means of raising water by bullocks, but also *contrivances worked by wind power, i.e. windmills.* In the next passage—

सेतुभ्यो मुक्तसंयमपारे षट्पणो दमः
पारे वा तोयमन्येषां प्रमादेनोपघ्नतः।

a fine of six paṇas is laid down for letting out the water of canals *otherwise than through the sluice-gate* (अपारे) and for hindering the flow of water through the same (पारे). This passage

confirms the existence of sluice-gates referred to by Megasthenes.

In the above couplet the word सेतुभ्यः cannot be taken as the technical term for canals; for the term is a general one and has been used in several senses in the Arthaśâstra, *e.g.* bridges, watercourses, embankments.[1] But in Book II,[2] सीताःअक्षः, we meet with the word कुल्यावापानां,[3] which means countries where water is drawn from कुल्या. This term कुल्या means an artificial watercourse, and was perhaps the technical name for canals.

Special care was taken for keeping tanks and other waterworks in good repair, and the minimum fine in the case of those who were prone to neglecting them, viz. the owners of rent-free lands, was fixed at double the loss caused by their remissness.[4] There were other regulations, *e.g.* one prohibiting men from emptying a tank of its water and from allowing the water of a higher tank to flow

[1] Bk. III, p. 166; Bk. II, pp. 47 and 60; Bk. VII, pp. 297 and 305.

[2] Also Bk. II, pp. 54 and 122.

[3] (चलितम् वर्षप्रमाणम्) सेतुमार्गाणां च कुल्यावापानां च । p. 116.

[4] अप्रतीकारे सीतद्विगुणो दण्डः, p. 170.

into a lower one unless the latter had been useless for three consecutive years.

§ 4: *Meteorology.*—I cannot conclude this account of irrigation without pointing out that in those remote days the people had a workable knowledge of the science of meteorology. They had some sort of *rain-gauge* which enabled them to measure the rainfall in a particular tract of country in a given time.[1]

(i) षोडशारत्नोच्चं जाङ्गलानां वर्षप्रमाणम् मध्यधर्मानूपानां देशवासानामर्धचतुर्दशाङ्गुलकानां चतुर्विंशतिरत्नीनामनितप्रपरान्तानां चैनस्यानां च कुल्यावापानां च कालतः।

(ii) वर्षचिभागः पूर्व्वपश्चिमसमासयोः, द्वौचिभागौमध्यमयोः सुषमारूपम्।

(iii) तस्योपलब्धिर्वृक्षगुल्मलतातृणजलजगर्भाधानेभ्यः मृत्प्रोद्भावनमयचारेभ्यः सूर्य्यस्य प्रकृतिवैकृताच्च। सूर्य्याद्वीक्षणसिद्धिः। वृक्षगुल्मतृणलतानां स्नेहकरिता। मृत्प्राङ्वृष्टिरिति।

(iv) चतस्रश्चाद्रिकानेधा चतस्रीतिः कचतस्रीकराः
षट्शिरातपमेघानां रसा वृष्टिस्समाहिता।[2]

The lines quoted above show that they arrived

[1] कोष्ठागारे वर्षमानमरत्निमुखं कुल्यं स्थापयेत्—Bk. II, सन्निधात्रुपयोगकर्म, p. 58. A vessel with its mouth 1 aratni wide was used as a *rain-gauge*, and one such vessel was put before the store-house. (1 aratni = 24 angulas = about 2 ft.; an angula = the middle joint of the middle finger of a middle-sized man)—मध्यमस्य पुरुषस्य मध्यमायाः पर्वणो मध्यप्रकर्षोऽङ्गुलम्।—Bk. II, देशकालमानम्, p. 106.

[2] *Vide* सीताध्यक्षः, pp. 115, 116.

at definite conclusions as to the quantity of rainfall in particular places. In Jaṅgala (जङ्गल) countries the rainfall is 16 droṇas (a droṇa being a cubic measure); in the country of the Aśmakas (अश्मक), 13½ droṇas; in Avantī (अवन्ती), 23 droṇas, and so on [passage (i)]. Besides, the rainfall is considered to be even, if it occurs during the commencing and closing months, *i.e.* Srâvaṇa and Kârtika, and two-thirds in the middle months, *i.e.* Bhâdra and Âśvin [passage (ii)]. The third passage speaks of the forecast of rainfall that can be made by observing the position, motion, etc., of the sun and Venus and Jupiter; the germination of seeds can be inferred from them also. The last passage indicates an elaborate classification of the clouds according to their characteristics. It speaks of three kinds of such clouds as poured in heavy showers for seven days together, eighty kinds of clouds that rained minute drops, and sixty kinds that appeared with sunshine. All this shows that the science of meteorology was brought to such a developed stage that the people could depend on its conclusions and guide their actions in their day-to-day work of sowing seeds and reaping harvest.

CHAPTER II.

The Department of Live Stock: Cattle and Pasture.

We have in the previous chapter dealt with some of the public works of utility as described in the Arthaśâstra. We have seen how a special department existed for the development of mining, the impetus to the discovery of mines being given in the shape of a share in the mines discovered;[1] and how the department was placed under the charge of experts conversant with all the processes of that difficult industry. We have also seen how the promotion of irrigation was looked upon as one of the duties of the State and was not left to

[1] If a private person discovered a mine, he got one-sixth of it as his share; if he happened to be a Government servant, one-twelfth: खनिरत्ननिधिनिवेदनेषु षड्भागंनिवेशा लभेत। द्वादशभागं भृतकः। अतश्चत्वारिंशद्भागो राजभागो निधिः। षष्ठभागं दद्यात्—Bk. IV, कोषकरचक्रम्, p. 202.

the meagre resources of private enterprise. In connexion with irrigation, we have also seen how the necessity of meteorological observations was recognized, and even simple contrivances were in use for purposes of rain-gauge (वर्षमानम् कुम्भम्).

We shall now turn to other institutions of public utility maintained by the State. It is a noteworthy fact that the importance of live stock to India, pre-eminently the country of agriculture, was then fully realized, and special care was taken by the Government for their healthy growth and improvement. Even at the present day Indian agriculture has been held to be suffering much from want of proper grazing grounds and commons for cattle and of a proper supply of fodder;[1] but in Chandra Gupta's time we find a special department to provide for pastures and grazing grounds for a proper supply of fodder and for the welfare of live stock in general. There were no less

[1] Compare in this connexion the following extracts from the article on agriculture in the *Imperial Gazetteer* (new edition): "In the deltaic areas and in the rice-tracts generally, the cattle are miserably weak. Grazing lands are here limited or totally wanting . . . General improvement is hopeless without assured fodder supplies . . ."—Vol. iii, pp. 77, 78.

than six chief officers for running this department: (i) गोध्यक्ष, the superintendent of cows; (ii) विवीताध्यक्ष, the superintendent of pastures and grazing grounds; (iii) सूनाध्यक्ष, the game-keeper; (iv) हस्त्यध्यक्ष, the superintendent of elephants; (v) कुप्याध्यक्ष, the superintendent of forests and forest produce; and (vi) अश्वाध्यक्ष, the superintendent of horses.

Let us first turn to the first of these officers. It must not be supposed that the superintendent of cows, as the name indicates, had to take care of cows alone. In fact, he had to do with other animals also, such as buffaloes, sheep, goats, asses, camels, pigs, mules and dogs. One of his chief duties was to appoint milkers (दोहक), churners (मन्थक) and hunters (लुब्धक) for fixed wages, to each of whom was assigned a herd of 100 heads.[1] He had also to see that the bulls were tamed and trained to the yoke by the cowherds (गोपालक), and that strings were put through their noses,[2] as also

[1] गोपालक-पिण्डारक (buffalo-herdsmen)—दोहक-मन्थकलुब्धकाः शतं शतं धेनूनां चिरन्तनभृताः पालयेयुः। क्षीरघृतभृता हि वत्सानुपहन्युरिति वेतनोपग्राहिकम्—Bk. II, गोध्यक्षः, p. 128.

[2] दोहकालसमतिक्रामतस्तत्फलस्थानं दण्डः। एतेन नस्यदम्यवृषविस्रवणकाला व्याख्याताः—*Ibid.*, p. 130.

to settle terms with herdsmen for the tending of animals under their charge. These terms were of four kinds:—

(i) Appointing, on fixed wages, cowherds and buffalo-herdsmen, each of whom was placed in charge of 100 head. This arrangement was called वेतनप्रतिग्राहिक.[1]

(ii) Appointing, on payment of a certain fee, cowherds, each of whom was placed in charge of a herd of 100 head, containing in equal numbers the following five classes of cattle, viz. aged cows (जरद्गु), milch cows (धेनु), pregnant cows (गर्भिणी), young cows (पष्ठौही), and female calves (वत्सतरी). The fee was 8 vârakas (*i.e.* $8\frac{3}{20}$ seers) of ghee, as well as the tail and branded[2] skin of dead cows. This system was called करप्रतिकर.[3]

(iii) Appointing, on the principle of profit-sharing, cowherds whose herd comprised cattle

[1] *Vide* footnote (1) on previous page.

[2] There were special brands to distinguish private cattle from the royal. Tampering with the royal brands was punishable: परपशूनां राजाङ्केन परिवर्तयिता रूपस्य पूर्वं साहसदण्डं दद्यात्। (गोऽध्यक्षः)।

[3] जरद्गु-धेनु-गर्भिणी-पष्ठौही-वत्सतरीणां समविभागं रूपग्रहणेकः पालयेत्। घृतस्फाटी वारकान् पक्षिकं पुच्छं चर्म वार्षिकं दद्यादिति करप्रतिकरः।—*Ibid.*

with diseased limbs (व्याधितान्यङ्गानि), those which could not be milked or were difficult to milk (अदोहदुर्दोहाः), and those that killed their calves (पुत्रघ्नी). Each herd was composed of the above four classes in equal numbers. As the tending of these herds was difficult, it was rewarded by a share in the out-turn from the herds. This arrangement was known as भयोत्कृष्टक.[1]

(iv) Engagement of the services of the superintendent by private parties for tending their herds in the event of their own inability to do so, either from danger of thieves, or from apprehended danger from forests. In these cases, the fee charged by the Government was a tenth of the produce. This system was termed भागानुप्रविष्टक.[2]

One other particular regarding these herds should be noted in passing. The total number of each herd was fixed at 100, but the number of male animals in each herd varied with its

[1] व्याधितान्यङ्गान्यदोहोदुर्दोहापुत्रघ्नीनां च समविभागं रूपप्रतम् पालयतस्वाम्यतिकं भागं दद्युरिति भयोत्कृष्टकम्।
—*Ibid.*

[2] परचक्राटवी भयादनुप्रविष्टानां पशूनां पालनधर्मेण दशभागं दद्युरिति भागानुप्रविष्टकम्।—*Ibid.*

composition. A herd of 100 head of asses and mules was to contain five male animals; that of goats and sheep, ten; while that of cows, buffaloes or camels, four.[1]

There was a *register of cattle*, kept by the superintendent. In it were noted the following varieties of cattle, viz.—male calves (वत्साः), steer (वत्सतराः), tamable draught oxen (दम्यावधिनो वृषाः), bulls for impregnating the herd (उक्षणः पुङ्गवाः), oxen for pulling carts drawn by pairs (युगवाहनशकटवहाः वृषभाः), cattle of which the flesh was food (खूनाः), buffaloes (महिषाः), draught buffaloes (शकटवाम्यवाहिनः महिषाः), female calves (वत्सिकाः), heifers (वत्सतरी), young cows (पष्ठौही), pregnant cows (गर्भिणी), milch cows (धेनु), cows and buffaloes that had not yet calved (अप्रजाताः) or were barren (वन्ध्याः), male and female calves only a month or two old or still younger (मासद्विमासजातास्तात्कालानुपजा वत्सा वत्सिकाश्च).[2] These, together with the cattle that strayed away and were not claimed for a month or two by the owner who lost them (मासद्विमास पश्युषिताः), were branded, and the superintendent registered each of them

[1] पञ्चवर्षं खराश्वानामजावीनां दशवर्षभम्
शतं गोमहिषोष्ट्राणां यूथं कुर्याच्चतुर्वृषम्।—*Ibid.*

[2] *Vide* "गोऽध्यक्षः"।

according to its class as mentioned above, and also according to the brand, natural signs, colour, and distance between the horns. This duty of the superintendent was termed व्रजपर्य्यग्रम्.[1]

The superintendent had also to take note of those animals that were missing (नष्ट) and also of those that were lost for good (विनष्ट). Those that were stolen, had got mixed up in the herds of others, or had disappeared in other ways, were called नष्ट. Animals were regarded as विनष्ट when they met with either natural or violent death. Thus, it was recorded whether they died of poison, disease, old age, from being buried in mire or drowned in water; whether killed by tree or stone falling upon them, struck by lightning (दैशान), or fallen a prey to tiger, snake, crocodile or forest fire.[2]

The State fixed the scale and standard of diet normally necessary to keep up the health, vigour and working capacity of all live stock.

[1] चक्रं चिह्नं वर्णं शृङ्गान्तरं च लक्षणमेवमुपलक्षयेदिति व्रजपर्य्यग्रम् ।—*Ibid.*

[2] चोरश्वापदमन्यूथप्रविष्टमवलीनं वा नष्टम् पङ्क-विषम-व्याधि-जरा नीवाधारावसन्नं दष्टतटकाष्ठशिलाभिहतमीशानबाधसर्प-व्याघ्र दावाग्निविपन्नं विनष्टं प्रमादादभावेयुः—*Ibid.*

The following table gives particulars about the dietary of bulls that were provided with nose-strings and equalled horses in speed and carrying loads.[1]

For the aforesaid bulls:—

Quantities.	Approximate modern equivalents.
½ bhâra of meadow-grass (यवस)	1½ seer.
1½ bhâra of straw (दृत)	3 seers.
1 tulâ of oil-cakes, with cheese[2] if necessary to make them more palatable	2⅖ chataks.
10 âḍhakas of bran (कणकुण्ड)	12 chataks.
5 palas of salt (सुवर्चल)	2⅖ sikis (about ½ kancha).
1 prastha of drink (पान)	1⅕ kancha.
1 tulâ of मांस, *i.e.* fleshy part or pulp of fruits	2⅖ chataks.
1 drôṇa of barley (यव) or of cooked bean (माष)	4⅘ chataks.
1 âḍhaka of curd (दधि)	1⅕ chatak.
1 drôṇa of milk (क्षीर)	4⅘ chataks.
½ âḍhaka of liquor (सुरा)	2⅖ kanchas.
1 prastha of oil or ghee (स्नेह)	1⅕ kancha.
10 palas of molasses (क्षार)	4⅘ sikis.
1 pala of ginger (शृङ्गिवेर) may be substituted for drink (पान)	1⅖ or about ½ siki.
1 kuḍumba of oil for rubbing over the nose (नैलकुडुम्बोनस्य)	1½ siki.[3]

[1] वलीवर्दानां नस्याश्वभद्रगतिवाहिनां यवसस्यार्धभारः, etc.—गोऽध्यक्षः।

[2] किण्वाटो—(cheese)—यावपिण्याक—(oil-cakes)—क्षोदार्थं—*Ibid.*

[3] The above measurements have been made on the basis of गुञ्ज (gunja) seed or two माष's (mâshas) being taken as the unit of calculation, equivalent to $1\frac{5}{16}$ grains (Troy). See the chapter

The same quantities of the above commodities less by one-quarter formed the food of mules, cows and asses; and twice the above quantities were given to buffaloes and camels. The quantities fixed above, however, could be varied to suit the needs of particular occasions. For example, the rations allowed to oxen kept to work were proportioned to the length of time they were worked, and in the case of cows that were milked, an increase was made in the amount of food.[1] The main items of food were of course water and straw, which were always given in plenty to all cattle,[2] while whey (उदश्वित्) was given to pigs and dogs.[3]

There were various rules regarding the milking of cattle and the standard of dairy produce of all kinds. The milkers had to milk

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entitled तुलामानपीतवम् (Bk. II), which describes the weights and measures then in vogue. The measurements given therein coincide in the main with those arrived at independently from other Sanskrit works by Monier Williams in his famous Dictionary.

[1] पादोनमश्वतरगोखराणां, द्विगुणं महिषोष्ट्राणां कर्मकरवहीवर्दानां, पायनार्थानां च धेनूनां, कर्मकालतः पयसश्च विधादानम्।

[2] सर्वेषां दधोदकप्रकाम्यमिति गोमण्डलं व्याख्यातम्।

[3] उदश्वित् शूकरेभ्यो दद्युः।

the cattle once or twice a day according to the seasons. Thus, in the rainy and autumnal seasons and in the first part of winter (हेमन्त), they had to milk both in the morning and in the evening, while in the other seasons, only once in the day; and if anyone violated this rule and milked a second time, he was visited with the cruel penalty of having his thumb cut off. They had to milk at stated hours and make good any loss caused by neglect of this rule.[1]

The churners had generally to conform to certain fixed proportions in regard to the preparations of milk. Thus, it was fixed that 1 prastha, *i.e.* $1\frac{1}{5}$ kancha, of ghee would be produced from 1 droṇa, *i.e.* $44\frac{4}{5}$ chataks, of cow's milk, one-fifth as much more from the same quantity of buffalo milk, and one-half as much more from the same quantity of milk of a goat or sheep. Where any variation of the above proportions occurred, as it must occur through a change in the quantity and quality of the food given to cattle, the exact quantity of ghee was ascertained by actual churning,

[1] वर्षाशरद्धेमन्तानुभयतः कालं दद्युः। शिशिरवसन्तयोरेककालम्। द्वितीयकालदोग्धुरङ्गुष्ठच्छेदो दण्डः।—दोहकालमतिक्रामतस्तत्फलहानिं दण्डः।—(गोऽध्यक्षः)।

and was fixed as the modified standard to which churners had to conform.[1]

Besides the rules relating to the yield of living cattle, there were also rules regarding that of the dead. In case of the natural death of a cow or a buffalo, the herdsmen had to surrender the skin with the branded mark. The same rule applied to the cases of goat, sheep, ass, camel, etc. The herdsmen had also to give up the fat, bile, marrow, teeth, hoofs, horns and bones of the dead animals.[2]

Again, animals like goats and sheep were shorn every six months, and their wool (ऊर्णा) was made over to the superintendent.[3]

MEDICAL TREATMENT OF CATTLE.

It was also the duty of herdsmen to apply medicines to diseased animals. The due dis-

[1] क्षीरद्रोणे मवां घृतप्रस्थः । पशुभागाधिको मन्थिपार्यां । द्विभागाधिकोऽजावीनां । मन्थो वा सर्वेषां प्रमाणं भूमिलक्षोदकविशेषाद्धि क्षीरघृतदध्निर्भवति ।—(गोऽध्यक्षः) ।

[2] कारयमृतस्याङ्कचर्म गोमहिषस्य कर्षलक्षणमजाविकानाम् पुच्छमङ्कचर्म चाश्वखरोष्ट्राणां वालचर्म-वस्ति-पित्त-स्नायुदन्तखुरशृङ्गास्थीनि चाहरेयुः ।—*Ibid.*

[3] अजादीनां वारमासिकीमूर्णां ग्राहयेत । तेनाश्वखरोष्ट्रवराहमृगा व्याख्याताः ।—*Ibid.*

charge of this important duty was secured by a healthy rule providing that when, owing to defects in medicine or carelessness in the treatment, the disease of an animal became serious, a fine of twice the cost of the treatment should be imposed; and when, owing to defects in the nature of the medicine itself, the animal died, a fine equal to the value of the animal was imposed.[1]

Lastly, there were several humane regulations to prevent the cruel treatment of animals. There was a fine of 1 or 2 paṇas[2] by which causing pain with sticks, etc., to minor quadrupeds was punished. This fine was doubled when the beating caused the animal to bleed. In the case of larger quadrupeds the above rates were doubled, and, in addition, an adequate compensation was demanded to cover the expense of curing the beasts.[3]

[1] वाहदृष्टव्याधितानां गोपालकाः प्रतिकुर्युः ।—*Ibid.*

क्रिया मैषज्यसङ्गेन व्याधिवृद्धौ प्रतीकारद्विगुणो दण्डः । तद्वरोधेन वैगुण्ये पञ्चमूलं दण्डः । तेन गोमण्डलं खरोष्ट्रमहिषमजाविकं च व्याख्यातम् ।—Bk. II, अध्यक्षः, p. 135.

[2] A paṇa is a weight of copper used as a coin = 20 mâshas = 4 kâkinis.—Monier Williams.

[3] क्षुद्रपशूनां काष्ठादिभिर्दुःखोत्पादने पञ्चो द्विपञ्चो वा दण्डः । क्षोणितोत्पादेन द्विगुणः । महापशूनामेतेष्वपराधेषु द्विगुणो दण्डः, चतुष्पादव्ययञ्च ।—Bk. III, दण्डपारुष्यम्, p. 197.

We find it laid down that cattle such as a calf, bull or milch cow must not be slaughtered. A fine was imposed on those who slaughtered or tortured the animals to death.[1]

We have seen already how the diet of cattle was regulated. We shall now see what arrangement was made for grazing them on pastures. For opening, preserving and improving the grazing grounds, a separate superintendent, called विवीताध्यक्ष, was appointed. He had to observe various rules regarding the working of his department. We find it distinctly laid down that the same forest could not be used as pasture for the cattle of neighbouring villages and towns throughout the whole year. Particular forests were assigned to particular seasons (ऋतुविभक्तमरण्यम्). Thus a system of rotation was introduced by which the pastures were kept up unimpaired, with their resources unexhausted by continuous use.[2] Pastures were generally opened

[1] वत्सो दमो धेनुर्वेशावशधाः। घातः पञ्चाशत्को दण्डः। क्षिप्तघातं घातयतश्च।—Bk. II, सूनाध्यक्षः, p. 122.

[2] क्षुल्लकक्षयातिभिरपाश्च सेतुव्यालपरव्याधभयमृतुविभक्तमरण्यम् चारयेयुः—Bk. II, गोऽध्यक्षः।

in forests, in uncultivated tracts, and in intermediate areas between places infested by wild animals, thus promoting at the same time the reclamation of waste lands.[1] There were thus several pastures in a locality, and it was the business of the herdsman to see which of them would suit the cattle under his charge. He was naturally guided by two considerations, viz. the physical strength of his cattle and the degree of protection from danger available either from persons or from the security of the place.[2]

As to the kinds of animals that were allowed admission into the grazing grounds, we have information from two passages,[3] the first of which mentions cows, buffaloes, goats, sheep, asses, camels, horses, and mules; the second, which appears in a different context, referring

[1] चतुष्पथां भूमौ पशुभ्यो विवीतानि प्रयच्छेत् । (Bk. II, भूमिच्छिद्रविधानम्, p. 49); अथान्तरेषु च विवीतं स्थापयेत् । (Bk. II, विवीताध्यक्षः, p. 141); and ऋतुविभक्तमरण्यम् चारयेयुः (*supra*).

[2] उपनिवेशदिग्विभागे गोप्रचारान् वक्ष्याम्यतो वा अर्वा रक्षासमर्थाच ।—Bk. II, गोऽध्यक्षः ।

[3] (i) गोमहिषमजाविकं खरोष्ट्रमश्वतराश्च पशवः—Bk. II, समाहर्तृसमुदयप्रस्थापनम्, p. 60.

(ii) अश्वाश्वरथोष्ट्राणां च पशवः—Bk. VII, दीनसन्धिपूरणम्, p. 305.

to cows, horses and camels as being the animals that flourish on pastures and are the source of power to the king.

The safety of the cattle was one of the chief concerns of the superintendent of pastures. It was ensured by the appointment of hunters, who maintained a pack of hounds to aid them in their work of watching thieves and enemies and warding off danger from snakes, tigers, etc.[1] The hunters had recourse to the following means of calling in the aid of the king and the king's men :—

(i) Blowing conch-shells and beating drums (शङ्खदुन्दुभिशब्दम्).

(ii) Remaining concealed amid trees and mountains, and afterwards sending the information (शैलवृक्ष-विरूढाः).

(iii) Riding away on swift horses, etc. (शीघ्रवाहनाः).

(iv) Flying carrier pigeons belonging to the king's household, with royal passports attached to them (राज्ञः मुद्रायुक्तैः शुकपोतैः).

[1] चोर-श्वापदभयान्निवारयानि शोधयेत्। शुष्कवनविगः परिव्रजेयुररण्यानि—Bk. II, विवीताध्यक्षः, p. 141.

शुष्कवननिभिरपाश्च शैल-श्वापदभयमनुविधानमरण्यम चारयेयुः—Bk. II, गोऽध्यक्षः (also quoted *supra*).

(v) Announcing danger by a succession of beacon fires (धूमाग्निपरम्परया).[1]

Besides these general precautions that had to be adopted by the superintendent of pastures, the duty of taking special protective measures was thrown on the herdsmen themselves. They had to attach bells or other sounding instruments to the necks of timid animals. These served the double purpose of scaring away snakes and other undesirables and of helping the herdsmen to easily find out, by following the direction of the sound, the animals that went astray.[2] When the cattle required watering and bathing, their safety was secured by leading them only to those streams and ponds which were marked out as being free from mire (चक्रर्दम) and crocodiles (चपाद), and the approaches to which were gradually sloped instead of being abrupt and steep (समभूदृतीर्थ).[3]

[1] सक्षरामिचाभ्यागमे मक्षुदुन्दुभिशब्दमग्राह्याः कुर्युः । शैलटङ्क-विरूढा वा, शीघ्रवाहना वा, चमिचाटवीसञ्चारं च राज्ञोऽष्टक-पोतैर्मुद्रायुक्तैर्हारयेयुः, धूमाग्निपरम्परया वा ।—Bk. II, विवीताध्यक्षः, p. 141.

[2] सर्वेषाञ्चाचासनार्थं गोचरानुपातस्थानार्थं च चक्षूनां घण्टातूर्यं च बध्नीयुः ।—Bk. II, गोध्यक्षः ।

[3] समभूदृतीर्थमचक्रर्दमग्राह्यसुदकमवतारयेयुः पाययेयुश्च—*Ibid.*

Another direction for the guidance of the herdsmen was that they should divide the cattle, while grazing, into groups of ten according to colour, the object being to avoid confusion between herds and to facilitate the herdsman's work of singling out his herd after grazing.[1] The cowherds were strictly prohibited from allowing the bulls under their charge to fight in the grazing grounds, and were fined for violating the rule.[2]

There were also a few rules applying to losses of cattle by theft or otherwise. If any animal were stolen, or killed by snakes, etc., or died through old age or disease, the herdsmen had to report it forthwith to the superintendent of cows; otherwise, they had to pay as penalty the price (रूपमूल्य) of the animal lost.[3] If an animal belonging to the flocks under गोऽध्यक्षः were killed or stolen, the crime was visited with capital punishment; but if it were

[1] वर्षावरोधेन दशवर्णावां रज्जुं करणीयम् ।—*Ibid.*

[2] वृषदष्टं वृषेणावपातयतः पूर्वः साहसदण्डः घातयतः उत्तमः । (पूर्वसाहसदण्ड—a fine ranging from 48 to 96 paṇas)—गोऽध्यक्षः ।

[3] क्षेत्रवाजसर्प-घात-मृतीनं व्याधिजरावसन्नं च धावेदवेक्षेयुः-रन्यथा रूपमूल्यं भजेरन् ।—*Ibid.*

replaced by another, only a fine was inflicted. Rewards were also given to those who recovered the stolen cattle from thieves.[1]

[1] स्वयं हत्वा ज्ञातयित्वा हतं हारयित्वा च वधः। परपशूनां राजाङ्केन परिवर्तयित्वा रूपस्य रक्षैकस्य पूर्वं साहसदण्डं दद्यात्। स्वदेशीयानां चोरहृतं प्रत्यानीय पणितं रूपं हरेत्। परदेशीयानां मोचयिताऽर्धं हरेत्—*Ibid.*

CHAPTER III.

THE DEPARTMENT OF LIVE STOCK (*continued*): GAME, FORESTS AND HORSES.

IN the last chapter have been described the functions of two of the six chief officers who were to perform special duties in connexion with live stock, viz. the superintendent of cows and the superintendent of pastures. The present chapter will detail the functions of three of the remaining officers, viz. the gamekeeper, the superintendent of forests, and the superintendent of horses.

THE GAMEKEEPER.

The Government of Chandra Gupta addressed itself in various ways to the protection of lower animals. There were issued specific regulations affording State protection to certain classes of animals, and for this purpose were

also established and maintained forests (अभयवन), the animals whereof were exempted from capture, molestation and slaughter. Into these forests none could enter, and the violation of this rule was visited with fines.[1] For the enforcement of these regulations a special superintendent was appointed called शूनाध्यक्ष (gamekeeper).

The following were the classes of animals that were given protection :—

(i) Birds, deer and other animals living in the forests under State protection, as well as fishes in the ponds therein.[2]

(ii) Those birds, fishes, deer and other animals that do not prey upon life.[3]

(iii) Calves, bulls and milch cows.[4]

(iv) Ocean animals resembling elephant,

[1] प्रदिष्टाभयारामाभयवनवासिनां च मृग-पक्षि-पक्षि-मत्स्यानां वन्यवधहिंसायामुत्तमं दण्डं कारयेत् । कुटुम्बिनां अभयवनपरिग्रहेषु मध्यमं ।—Bk. II, शूनाध्यक्षः, p, 122.

उत्तम दण्ड, a fine ranging from 500 to 1000 paṇas; मध्यम दण्ड, a fine ranging from 200 to 500 paṇas.—Bk. III, दायभाग, p. 192.

[2] See the foregoing passage.

[3] अप्रदत्तवधानां मत्स्यपक्षिणां वन्यवधहिंसायां पादोनषण्णविंशति (26¼)—पणमत्ययं कुर्यात् । मृगपक्षिणां द्विगुणं ।—(शूनाध्यक्षः)।

[4] वत्सो दमो धेनुश्चेत्यभयधाः । वत्सः पञ्चाशत्को दण्डः । द्विगुणं धातयतश्च ।—*Ibid.*

horse, man, ox or ass. This, by the way, points to a close familiarity with the ocean and marine life.[1]

(v) Fishes in rivers, lakes and canals (कुल्या).[2]

(vi) A few game-birds, specifically named as follows: सारस (crane) in rivers, lakes and canals, क्रौञ्च (osprey), उत्-क्रोशक (sea-eagle), दात्यूह (gallinule, an aquatic bird), हंस (goose or gander, swan, flamingo, etc.), चक्रवाक् (Brahmany duck), जीवञ्जीवक (a kind of pheasant), भृङ्गराज (fork-tailed shrike), चकोर (partridge), मत्तकोकिल (cuckoo), मयूर (peacock), शुक (parrot), मदनशारिका (*Turdus salica*—birds like mainâ).[3]

(vii) Those birds and beasts that were regarded as sacred.[4]

Moreover, tolls were levied upon the capture

[1] सानुद्र हस्त्यश्व-पुरुष-हय-गर्दभाजलयः—कूलाध्यक्षः।

[2] मत्स्याः नादेयासडाक कुल्योद्भवाः—*Ibid.*

[3] सारसा नादेयासडाक कुल्योद्भवाः। क्रौञ्च-उत्क्रोशक-दात्यूह-हंस-चक्रवाक्-जीवञ्जीवक-भृङ्गराज-चकोर-मत्तकोकिल-मयूर-शुक-मदन-शारिका विहार-पक्षिणो नाक्षत्रिकान्येपि प्राणिनः पक्षिमृगा हिंसायामेभ्यो रक्षाः। रक्षातिक्रमे पूर्वसाहसदण्डः (a fine ranging from 48 to 96 paṇas).—*Ibid.*

[4] नाक्षत्रिकान्येपि प्राणिनः पक्षिमृगा हिंसायामेभ्यो रक्षाः—(*Supra.*) An interesting list of protected animals, some of which also appear in this list, is given in Asoka's Rock Edict V.

of those birds, beasts or fishes that preyed upon life and were thus the legitimate objects of capture. Of the live captured animals, the gamekeeper took a sixth, to be afterwards set at large in special forests under the State, and a tenth or more was appropriated by Government.[1]

For the safety of the protected animals in the State forests, any animal growing vicious or in any way harmful to the rest was captured and killed outside the forests.[2]

HUNTING FORESTS.

Hunting down game animals in the hunting forests was allowed, and not only the king himself but also private individuals enjoyed the privilege. We learn from Asoka's Rock Edict VIII that it was a practice with the kings to go out on hunting excursions, which Asoka abolished in the eleventh year of his reign. Megasthenes also describes the

[1] प्रहतपक्षिसंघानां परिरक्षीनानां षड्भागं रक्षीयात्। मत्स्य-पक्षिणां दशमागं वाधिकं मृगपशूनां मुख्यं वाधिकं। पक्षिमृगाणां जीवत्षड्भागं अभयवनेषु प्रमुञ्चेत्।—(कूटाध्यक्षः)।

[2] दुष्टाः पशुमृगवाला मत्स्याश्चाभयचारिणः
अन्यत्र मृगयाशीलेभ्यो वधबन्धनवासमुचुः।—*Ibid.*

grand scale on which the royal hunting was organized.[1]

It seems from the extract of the Artha-śâstra quoted below that the king had a hunting forest exclusively for his own use. It was provided with only one entrance (एकद्वारं) and had a canal running round it to ward off intrusion (खातमुत्तं). Inside were planted fruit-trees, thornless plants, creepers and shrubs (खादुफलमुञ्जमुच्छमकण्टकिद्रुमम्), and there was also a large tank (उत्पानसोवाश्रयं). There roamed at large not only the milder game animals (दान्तमृग-चतुष्पदं) but also some of the wilder ones, but deprived of their natural offending weapons like nails and teeth: viz. tigers, male, female and young elephants, and other game animals (भग्नदंष्ट्रव्याल-मार्जारयुक-हस्ति-हस्तिनी-कलभ-मृगवनं).[2]

Besides this imperial hunting forest, there were other hunting forests[3]—all under the

[1] Megasthenes, Bk. II, Fragment xxvii.

[2] तावन्नाचमेकद्वारं खातमुत्तं खादुफलमुञ्जमुच्छमकण्टकिद्रुम-सुत्पानसोवाश्रयं दान्तमृगचतुष्पदं भग्नदंष्ट्रव्यालमार्जारयुक-हस्ति-हस्तिनी-कलभ-मृगवनं विहारार्थं राज्ञः कारयेत्।—Bk. II, भूमि-च्छिद्रविधानम्, p. 49.

[3] सर्वतोविभक्तं प्रत्यन्ते चान्यन्मृगवनं भूमिवमेन वा निवेशयेत्। —Bk. II, भूमिच्छिद्रविधानम्।

general superintendent (कुप्याध्यक्ष), who had another duty to perform in connexion with live stock, viz. the capture, when needed, of birds and beasts under his care.[1]

THE SUPERINTENDENT OF HORSES.

The superintendent of horses had manifold duties to perform, viz.: (1) to keep a register of horses; (2) to classify them according to breed, age, colour, marks, size, etc.; (3) to provide for their stabling; (4) to determine their rations; (5) to break and train them according to their mettle; (6) to provide for their medical treatment by veterinary surgeons; and (7) to arrange for the taking of proper care of them in other ways, as detailed below.

Registration and classification.

Horses were registered not only according to their natural qualities, but also in several artificial but convenient ways. Thus, horses were regarded as belonging to the three classes or types of तीक्ष्ण (fiery), भद्र (gentle) and मन्द

[1] चञ्चारकुक्कुभक्कानि मृगपक्षिबाह्लीवाटाः काष्ठहरवाटा-चेति ।—Bk. II, कुप्याध्यक्षः, p. 100.

(sluggish).[1] They were also classified according to the places of their origin. Among these have been mentioned the following places, some of which have been identified :—

(1) काम्बोज (Kâmbhôja), (2) सिन्धु (Sindhu), (3) आरट्ट (Âraṭṭa), (4) बनायु (Banâyu), (5) वाह्लीक (Bâlhîka), (6) सौवीर (Sauvîra), (7) पापेय (Pâpeya), (8) तैतल (Taitala).[2]

[1] तेषां तीक्ष्णमध्यमन्दवर्जेन शास्त्रानुपपत्त्यन्तं वा कर्म प्रयोजयेत् ।—Bk. II, चत्वाधयः, p. 138.

[2] प्रयोग्यानामुत्तमाः काम्बोजकसैन्धवारट्टबनायुजाः । मध्यमा वाह्लीक-पापेयक-सौवीरक-तैतलाः । तेषाः प्रत्यवराः ।—*Ibid.*

Identifications :—

(1) काम्बोज — Afghanistan: Kaofu (Kambu) of Hiuen Tsiang. (N. L. Dey's *Geographical Dictionary*.)

(2) सिन्धु—Sindh.

(3) आरट्ट—Punjab, land of the Arâshtrakas, *i.e.* the kingless. (Cunningham's *Geography of Ancient India*, p. 215.)

(4) बनायु—Arabia. (वाचस्पत्यम् of T. N. Tarkavachaspati.)

(5) वाह्लीक—Balkh in Central Asia. (Monier Williams.)

(6) सौवीर—or Sophir of the Bible; according to Cunningham, the same as the modern Eder in Guzerat. (*Geogr. of Anc. Ind.*, p. 497.)

It is interesting to note that almost all the places mentioned above appear in the following sloka of the Râmâyaṇa :—

काम्बोजविषये जातैर्वाह्लीकैश्च हयोत्तमैः
बनायुजैर्नदीजैश्च पूर्णा हरिहयोत्तमैः ।
—Bâlakânḍa, Sarga 6, sloka 22.

नदीजाः in the sloka = सिन्धुनदी सभीपोद्भवाः । (Râmânuja.)

Of these places the first four were held to supply the best breed of horses, and the remaining four, horses of the second quality. Horses of inferior quality came from other places. Thirdly, there was another method used to classify horses, viz. by the way in which horses were procured. According to this method, horses could be of the following descriptions:—

(1) पण्यागारिकं (brought to the sale-house for sale); (2) क्रयोपागतम् (recently purchased); (3) साहवलभ्यम् (captured in war); (4) स्वाजातम् (of local breed); (5) साहाय्यकागतम् (sent for help as loan); (6) वनस्थातं (wild and fresh from forest); (7) यावत्कालिकं (kept in the stable only for a while).[1]

A method of testing horses.

The mettle of a horse was inferred from certain measurements of parts of its body as explained below:—

The face (मुख) of the best horse measures 32 angulas.

[1] चत्वाश्वः पण्यागारिकं क्रयोपागतमाहवलभ्यमाजात साहाय्यकागतकं वनस्थातं यावत्कालिकं याऽन्यपर्यंपं कुलवयोवर्णचिह्नवर्णामर्लक्षयेत् ।—(चत्वाश्वः)।

Its length (आयाम), five times its face = 160 angulas.

Its shank (जङ्घा), 20 angulas.

Its height (उत्सेध), four times its shank = 80 angulas.

A defect of 3 angulas must be allowed in the above measurements in respect of horses of the second quality, and of 6 angulas in respect of inferior qualities.

The girth (परिणाह) of the best horse is 100 angulas;

of horses of second quality, 95 angulas;

of horses of lowest quality, 90 angulas.[1]

Stables.

The provision of suitable stables was one of the chief duties of the superintendent. This is also hinted at by Megasthenes.[2]

The size of each stable was of course determined by the number of horses to be kept therein. The length of each room of the

[1] द्वात्रिंशदङ्गुलं मुखमुत्तमाश्वस्य, पञ्चमुखान्यायामः, विंशत्यङ्गुला जङ्घा, चतुर्जङ्घ उत्सेधः, त्र्यङ्गुलावरं मध्यमावरयोः, अतोऽङ्गुलः परिणाहः, पञ्चभागावरं मध्यमावरयोः ।—*Ibid.*

[2] "There are royal stables for the horses and elephants . . ." —Bk. III, Fragment xxxiv.

stable was to be double the length of a horse. It had four doors on the four sides, and an open space in the middle where horses could roll themselves.

The breadth of the apartment for each horse was to be four times the width of the horse, and its floor was to be paved with smooth wooden planks (सुश्लक्ष्णफलकास्तारं). It must have a trough for food (सुखादनकोष्ठकं), and be provided with apertures for the removal of excreta. The rooms should face preferably the north and the east. Horses, mares and colts had separate compartments.

There were spacious corridors (सप्रतीघा) in the stable provided with doors, and there were seats and pegs (आसन-फलक) for monkeys, peacocks, spotted deer (पृषत), mungooses (नकुल), partridges (चकोर), parrots (शुक) and mainâs (शारिका).[1] The object of keeping these animals in the stable becomes apparent from a passage

[1] अश्वविभवेनायतामश्वानाम् द्विगुणविस्तारां चतुर्द्वारोपावर्तनमध्यां सप्रतीघां प्रहारासनफलकयुक्तां वानर-मयूर-पृषत-नकुल-चकोर-शुक-शारिकाभिराकीर्णां शालां निवेशयेत् ।

अश्वानाम् चतुरस्रश्लक्ष्णफलकास्तारं सुखादनकोष्ठकं समूत्रपुरीषोत्सर्गमेकैकशः प्राङ्मुखमुदङ्मुखं वा स्थानं निवेशयेत् । शालावशेन वा दिग्विभागं कल्पयेत् । वडवाहयकिशोराणां रक्षान्तेषु ।—(अश्वाध्यः) ।

in Bk. I, चिकित्सितप्रविधिः, which runs as follows: "Cats (मार्जार), peacocks (मयूर), mungooses (नकुल) and spotted deer destroy snakes; parrots (शुक), mainâs (सारिका) or fork-tailed shrikes (भृङ्गराज) shriek out when they smell poison; ospreys (क्रौञ्च) get excited in the vicinity of poison, pheasants (जीवञ्जीवक) feel distressed, cuckoos (मत्तकोकिल) die, and partridges (चकोर) redden their eyes."[1] It may be noted in this connexion that the practice of keeping monkeys in stables in the belief that horses keep good health in their company, still obtains.

Rations.

The superintendent regulated the rations of the horses under his charge in the following ways:—

For the best horse:—

Quantities.	Modern equivalents.
2 drôṇas (द्रोण) of any one of these grains, viz. शालि, व्रीहि (rice), barley (यव), panic-seed or mustard-seed (प्रियङ्गु) half-dried or half-cooked, or boiled मुद्ग or माष (kinds of pulse)	9⅔ chataks.

[1] मार्जारमयूरनकुलश्वपतोत्सर्गोसूर्पान् भक्षयन्ति। शुकसारिका भृङ्गराजो वा सर्पविषसङ्घायां क्रोशति। क्रौञ्चो विषाभ्याशे नाद्यति। ह्रादति जीवञ्जीवकः। त्रियते मत्तकोकिलः। चकोरश्चाक्षिणी विरञ्जते।—Bk. I, चिकित्सितप्रविधिः, p. 40.

Quantities.	Modern equivalents.
1 prastha (प्रस्थ) of oil	1⅓ kancha.
5 palas (पल) of salt	2⅔ sikis.
50 palas of मांस (fleshy part or pulp of fruits)	1 chatak 4 sikis.
1 âḍhaka (आढक) of रस (drink)	1⅓ chatak.
2 âḍhakas of curd (दधि)	2⅔ chataks.
5 palas of sugar (क्षार) for making food palatable	2⅔ sikis.
1 prastha of liquor	1⅓ kancha.
2 prasthas of milk (पयः)	2⅔ kanchas.

Those horses that were tired by long journey or by carrying loads were given 1 prastha of oil or ghee more for perfuming their food (अनुवासनं), 1 kuḍumba (1½ siki) of oil or ghee for rubbing over the nose, ½ bhâra (भार), *i.e.* 1½ seer, of meadow-grass (यवस), twice as much of straw (हय) and hay for a bedding of 6 aratins (12 ft.) or as much straw as can be held within the arms (षड्रत्नि: परिक्षेप: पुंजीकृतयावसो वा हयस्य भुजद्वयपरिक्षेपमात्र:).

The same quantity of rations less by one-quarter was given to horses of medium and inferior quality. A draught horse or stallion of medium size was given the same quantity as the best horse, and draught horses of lower size the same quantity as a horse of medium quality.

Mares and mules (परभृत) were given one-

quarter less of rations. A mare that had just given birth to a colt was given 1 prastha or $1\frac{1}{5}$ kancha of ghee for the first three days; then for the next ten days, 1 prastha, *i.e.* $1\frac{1}{2}$ kancha, of मन्थु (*i.e.* pounded gram, etc.), and oil or ghee mixed with medicine. Afterwards, she was given ओदन (boiled rice), यवस (meadow-grass), and other things suited to the season.

Half the rations of mares was generally given to colts; but a colt of ten days was fed on $\frac{1}{4}$ kuḍumba ($\frac{1}{4}$ siki) of ghee, 1 kuḍumba ($1\frac{1}{2}$ siki) of मन्थु and 1 prastha ($1\frac{1}{5}$ kancha) of milk till it was six months old. Gradually, the above rations were increased half as much during each succeeding month, with the addition of 1 prastha of barley, till it became three years old. It was given 1 drôṇa ($44\frac{4}{5}$ chataks) of barley until four years of age, when it became fully developed and serviceable.

Training given to horses.

Horses were employed for the purposes of war or for ordinary purposes, according to their mettle. They were therefore trained not only for ordinary work of the State in times of peace

(चीपवाचारं), but also for the more difficult movements required in war (रणाचारं). The latter movements were of the following kinds :—

(i) वर्तन (circular movement) :—(*a*) चीपवेदुक (turning in a circle with a diameter = 1 cubit); (*b*) वर्द्धमानक (advancing, and yet turning in a circle as above); (*c*) प्लवक (running the figure-of-eight); (*d*) प्लावीड्डुत (running and jumping simultaneously); (*e*) डचाड (movement of only the forepart of the body); (*f*) डवचाडी (movement of only the hinder portion of the body).

(ii) गतिवर्तन (slow movement with the head and ears kept erect) :—(*a*) प्रकीर्णक (a combination of the movements mentioned above); (*b*) प्रकीर्णोत्तर (same as the previous, but with one kind of movement kept prominent); (*c*) निषद्य (a movement in which the hinder part of the body is kept steady); (*d*) पार्श्वानुडुत (movement sideways); (*e*) ऊर्मिभार्ग (movement up and down like a wave); (*f*) मरमक्रीडित (playing like a मरम, a kind of deer); (*g*) मरमप्लुत (leaping like a मरम); (*h*) त्रिताल (a movement using only three legs); (*i*) वाह्यानुवृत्त (moving right and left); (*j*) पक्षपाति (movement by using two and three legs alternately); (*k*) सिंहावलं

(pacing like a lion); (*l*) लाघून (long strides); (*m*) खिल्ल (moving straight without a rider); (*n*) खाधित (moving with the forepart of the body bent); (*o*) पृंधित (moving with the hinder part of the body bent); (*p*) प्रत्यालिकीर्ष (zig-zag motion).

(iii) प्लवन (jumping):—(*a*) कपिप्लुत (jumping like a monkey); (*b*) भेकप्लुत (jumping like a frog); (*c*) एकप्लुत (sudden jump); (*d*) एकपादप्लुत (jumping with one leg); (*e*) कोकिलसंचारि (leaping like a cuckoo); (*f*) उरस (dashing with the breast almost touching the ground); (*g*) बकचारी (leaping like a crane).

(iv) धोरण (gallop):—(*a*) काङ्क (imitating the flight of a heron); (*b*) वारिकाङ्क (dashing like a water-duck); (*c*) मयूर (running like a peacock); (*d*) अर्धमयूर (half the speed of a peacock); (*e*) नाकुल (dashing like a mungoose); (*f*) अर्धनाकुल (half the speed of a mungoose); (*g*) वाराह (running like a boar); (*h*) अर्धवाराह (half the speed of a boar).

(v) वारोह is सञ्ज्ञाप्रतिकार, *i.e.* response to signals.

Over and above these a few kinds of trot are enumerated as follows:—

(1) वार्ह:—(*a*) विक्रम (trotting according to strength); (*b*) भद्रावाह (trotting with good

breathing); (*c*) भारवाह्य (trotting with a load on the back). (2) धारा:—(*a*) विक्रम (pacing according to strength); (*b*) वल्गित (pacing with circular movement); (*c*) उपवल्गित (pacing with gallops); (*d*) उपजव (middle speed); (*e*) जव (low speed).[1]

Medical treatment of horses.

The superintendent had to report to the king the number of horses that were diseased or had defective limbs (अश्वशरीरव्याधितांश्चावेदयेत्), and put them under the treatment of veterinary surgeons, whose duty was not only to treat the diseases of horses, but also to see that all parts of their body were harmoniously developing. They gave advice to the superintendent regarding the change of diet of the horses to suit particular seasons. They were fined if the diseases were aggravated or took a bad turn, and had to make good the loss if a horse died through defective treatment.[2]

[1] The explanation of the above technical terms has been taken mostly from the Commentary of Bhaṭṭasvâmi.

[2] अश्वानां चिकित्सका: अशरीरह्रासवृद्धिप्रतीकारमृतुविभक्तम् आहारम् (प्रतिदिशेयु:)—(अश्वाध्यक्ष:)।
क्रियामिथ्यायोगेन व्याधिवृद्धौ प्रतीकारहिंसायो दण्ड:। तदपराधेन वैशोभ्ये पञ्चसूत्रं दण्ड:।—*Ibid.*

A few other rules.

As regards the distances to be traversed by draught horses, the rule was that they should run six, nine, and twelve yojanas[1] according to their quality. Five, eight, and ten yojanas were the maximum limits of distance for riding horses.

Horses disabled by disease, age or war and rendered unfit for active service were relieved from all work.[2]

The grooms (सूचकाश्वक), those who bound them in stables (बन्धनागारिक), supplied meadow-grass (तार्णिकः), prepared the meals of horses (विधापाचक), watched the stables (रात्रिपालक), dressed their hair (केशकार), and detected poison (आहुतीविद्) were liable to a fine of a day's wages for neglect of duty.[3] The आहुतीविदः were the grooms, cooks and veterinary surgeons, for it was they who had to taste the

[1] A yojana = $6\frac{2}{7}$ miles.

षड्व द्वादशेति योजनान्यश्वा रथानां, पञ्चयोजनान्यश्वाष्टमानि दशेति वहनाद्वाहनान्यश्वानामश्वा ।—(चक्रधरः) ।

[2] युद्धव्याधिजराकर्मक्षीणाः पिण्डनीचारिकाः खुरसमरश्रोण्याः । पौरजानपदान्यान् कर्षेत् वृषा वड़वास्तु वाहोग्याः ।—*Ibid.*

[3] कर्मातिक्रमे तेषां दिवसवेतनच्छेदनं कुर्यात् ।—*Ibid.*

food of the horses.[1] The attendants of horses were enjoined to make a careful use of what they brought from the treasury or the store-house for purposes of the stables, so as to prevent waste.[2] There were expert rope-makers for making ropes for horses; while the manufacture of accoutrements was the work of the chariot-makers (सूताः).[3]

Ceremonies observed for the welfare of horses.

In conclusion, it should be remarked that horses were accorded an almost human treatment, which indicates the great value attached to them. Besides the rules prescribed by experience and science to secure the health and well-being of horses, there were certain religious ceremonies observed to influence unseen forces in their favour. The horses were regularly washed, bedaubed with sandal, and even garlanded twice a day. On new-moon days, the

[1] विधापाचक सूचपाचक चिकित्सका: प्रतिलाद्भाज: ।—*Ibid.*

[2] कोशकोष्ठागाराभ्याम् च मर्यादा मापलाभम् चश्ववाचचिन्तकेभ्य: ।—*Ibid.*

[3] तेषां यन्त्रोपकरणं गोमाचार्या: प्रतिदिशेयु: । सांग्रामिकं रथाचाभरणं च सूता: ।—*Ibid.*

sacrifice to *Bhûtas* was performed; and on full-moon days, auspicious hymns were chanted. On the ninth day of the month of Âsvin, and also at the beginning and end of journeys, the priest invoked blessings on horses by performing the ceremony of नीराजन, or the waving of lights.[1]

[1] द्विरङ्गुलावनवानां मन्त्रसाम्यं च दापयेत्
अश्वशिरसु भूतेभ्यः मुखेषु खलिवाचनम्।
नीराजनामाश्वयुजे कारयेन्नवमेऽहनि
यात्रादावपराह्णे वा यात्री वा यात्रिके रतः।—*Ibid.*

CHAPTER IV.

THE DEPARTMENT OF LIVE STOCK (*continued*): ELEPHANTS.

ONE of the four well-known divisions of the old Hindu army was the elephant force, on the efficiency of which depended to a great extent the efficiency of the army as a whole.[1] There has been on record many a battle in early Indian history in which elephants carried the day. Hence the rearing up of a good breed of elephants was recognized as one of the special cares of Chandra Gupta's Government, which made itself famous by the strength of its army organization. The killing of an elephant was visited even with capital punishment, which shows the great care taken for them by the State.

[1] The references in this chapter are to मुनिच्छिद्रविधानम्, हस्त्यध्यक्षः and हस्तिप्रचारः Bk. II.

The department of elephants had several officers. At the head was हस्त्यध्यक्ष, the superintendent of elephants, whose main duties were (1) to see that the elephant forests were well protected, and (2) to superintend the internal arrangements in the elephant stables and the proper training of elephants by experts. The immediate work of the maintenance and upkeep of the elephant preserves was, however, not his look-out. This was left to another officer called नागवनपाल, the superintendent of elephant forests. He had a staff of assistants called नागवनाध्यक्ष's, the keepers of elephant forests, through whom he had to acquaint himself with the limits as well as the paths leading into and out of the forests—especially those that were mountainous or boggy or contained rivers or lakes. The capture of elephants was also their concern, in which they were helped by a special set of men. These were: (i) हस्तिपक (elephant drivers); (ii) पादपाशिक (those who slip nooses round the legs of elephants); (iii) सैमिक (boundary guards); (iv) पारिकर्मिक (servants for miscellaneous works); (v) वनचरक (foresters); and (vi) वनीकस्थ (elephant trainers).

The need for the presence of elephant trainers (चमीकच), mentioned last in the above list, was owing to the fact that they alone could readily ascertain those elephants that were fit for capture; for certain classes of elephants were exempted from capture, viz. those that had small tusks like those of female elephants (मूढ़),[1] diseased (व्याधित) or pregnant elephants as well as those that suckled their young (गर्भिणी and धेनुका), and elephants below twenty years of age or without tusks (मखद); young elephants (क्षिद्र) were as a rule allowed to remain at large, and only a few were captured to train for sports.

The captors, with five or seven female elephants (चक्षिदमकी) which had been specially taught the devices of capture, roamed about in summer—the season for the capture of elephants—in the forests, and traced the whereabouts of herds of elephants by following the course of their dung and urine (चक्षिमूचपुरी-षच्छगनच) and by observing their footmarks (पदा), the spots where they reposed (मथाखान), and the banks of rivers, lakes, etc., damaged by them (मूलपातोदेभेन). The captors passed along the

[1] *Vide* Bhaṭṭasvâmi's Commentary.

lines of भल्लातकी trees (*Semecarpus anacardium*), called Bhelâ (भेला) in Bengali. One of the reasons for this was perhaps that the trees, being very shady, afforded a good resting-place for the animals, where the herds or clues to their wanderings were most likely to be found. It is also possible that the leaves and branches of the trees formed a favourite food of the animals, for भल्लातक is mentioned as a medicinal plant in the extant works[1] on हस्त्यायुर्वेद and अश्वशास्त्र alike, the properties of which, according to medical authorities (quoted in *Elephants and their Diseases*, by Lt.-Col. Evans, p. 144), are mainly those of a stimulant, and admit of both internal and external uses.

The exact devices that were employed for catching the elephants are not described in the Arthaśâstra, but an extract from Megasthenes

[1] ज्ञमयो यदि वाले खुर्जाता भल्लातकैः सह
विपाच्य सार्षपं तैलं क्षवाहं चपयेद्भृशे ।
—हस्त्यायुर्वेदः, by पालकाप्यमुनि, p. 208.
मधुकं केशरं पद्मं भल्लातकविभीतकम्
अक्षपुष्पं वहा सारं सलभाभेन सिञ्चितम्
कासार्शस्त्र सदुद्दिष्टः ज्ञाधोऽयं चिपलात्मकः
उत्साहवर्द्धकः सम्यक्तथा कासाग्निदीपकः ।
—अश्ववैद्यकम्, by नकुल, p. 58; see also p. 54 (*ibid.*).

bearing on this point is worth quoting. It runs as follows:—

"The manner of hunting the elephant is this. Round a bare patch of ground is dug a deep trench about 5 or 6 stadia (a stadium=202½ yds.) in extent, and over this is thrown a very narrow bridge which gives access to the enclosure. Into this enclosure are introduced three or four of the best-trained female elephants. The men themselves lie in ambush in concealed huts. The wild elephants do not approach this trap in the daytime, but they enter it at night, going in one by one. When all have passed the entrance, the men secretly close it up; then, introducing the strongest of the tame fighting elephants, they fight it out with the wild ones, whom at the same time they enfeeble with hunger. When the latter are overcome with fatigue, the boldest of the drivers dismount unobserved, and each man creeps under his own elephant, and from this position creeps under the belly of the wild elephant and ties his feet together."—Megasthenes, Bk. III, Fragment xxxvi.

The sources of supply of elephants in those days were the following places, viz.: (i) কলিঙ্গ, (ii) বঙ্গ, (iii) করুষ[1] (eastern portion of the district of Shahabad in Behar), supplying elephants of the best quality; (iv) প্রাচ্য (the east), (v) দশার্ণ,[2] (vi) অপরান্ত[3] (western countries, viz. Konkan and Malabar), supplying elephants of medium quality; and (vii) সুরাষ্ট্র (Guzerat),

[1] N. L. Dey's *Geogr. Dict.*

[2] দশার্ণ has been identified with modern Mandasore.

[3] *Vide* N. L. Dey's *Geogr. Dict.*

(viii) पद्मज,[1] supplying elephants of inferior quality.

STABLES.

There were two sets of stables, one in the fort and the other outside; in the former were kept those elephants that had already been trained for war and riding, and in the latter those that were being tamed, together with the refractory ones.

An elephant stable was twice as high as the length of an elephant, and its width was half its height; it was made to face either the north or the east, had separate apartments for female elephants, had a spacious corridor (वीथि), and was provided with smooth, square, T-shaped tether-posts called कुमारी, which were as long as the length of an elephant, and between which were placed apertures for the removal of excreta. Their place for sleeping was similar to that for standing, with this difference, that in one half of it was a raised platform for the elephant to lean upon.

[1] पद्मज probably stands for पद्मद, a place in Northern India, which is referred to in the Mahabharata, Sabhâ Parva, ch. 27, in connexion with the Northern conquests of Arjuna, thus: किरीटी जितवान् राजन् देशान् पद्मदवासिनः ॥

Stabling staff.

For the stabling of elephants a good number of officers was employed. A list of such officers set forth in the Arthaśâstra mentions the following: (i) चिकित्सक (elephant doctors); (ii) नागीकस्थ (elephant trainers); (iii) आरोहक (ordinary drivers or *mâhuts*); (iv) आधोरण (expert *mâhuts* able to control the pace and movement of elephants); (v) दक्षिपक (grooms or elephant keepers); (vi) शौपचारिक (attendants); (vii) विधापाचक (cooks); (viii) यावसिक (grass suppliers); (ix) पादपाशिक (those who put fetters round their feet); (x) कुडीरक्ष (guards); (xi) रात्रपालिक (those who take care of the elephants at night).

These officers were given wages and allowances of food, and a deduction was made from their dues for negligence in their duties, *e.g.* allowing a stranger to ride the elephants, striking them in the vital parts of their bodies, not cleansing the stables, etc.

Daily routine.

Their bathing hours were fixed once in the morning between 6 and 7.30 and again in

the afternoon between 3 and 4.30. The two bathing hours were followed by hours for meals. The forenoon was the time for their physical exercise, and afternoon for their training. Two out of the eight parts of the night were spent in sleep (स्वप्न) and three in drowsiness (संवेशनीलालिङ्ग).

Rations.

The quantity of ration to be given to an elephant was regulated generally according to its age, which was inferred from its size and other physical features; and for this purpose elephants were divided into three groups, viz. :—

(i) those that were 14 feet high, 18 feet long, and 20 feet in girth, and were from these measurements inferred to be of forty years of age; (ii) those that were thirty years old; and (iii) those that were twenty-five years old.

The diet for the second group was one-quarter less than that of the first; and the diet of the third group was one-quarter less than that of the second.

The dietary of the first group comprised the following:—

Quantities.	Modern equivalents.
1 drôṇa of rice (तण्डुल)	4⅘ chataks.
¼ âḍhaka of oil (तैल)	1⅕ chatak.
8 prasthas of ghee (सर्पिष)	8⅘ kanchas.
10 palas of salt	4⅘ sikis.
50 palas of मांस, *i.e.* fleshy parts or pulp of fruits	1 chatak 4 sikis.
1 âḍhaka of रस (drink) or 2 âḍhakas of curd	1⅕ chatak.
10 palas of sugar (खार) for making food palatable	4⅘ sikis.
1 âḍhaka of liquor (मद्य) or 2 âḍhakas of milk (पयः)	1⅕ chatak.
2 bhâras of meadow-grass (यवस)	6 seers.
2½ bhâras of क्रय (sporting-grass)	6¾ seers.
⅙ bhâra of hay	½ seer.

And any amount of stalks of various sorts of pulse.

1 prastha of oil (1⅕ kancha) and ⅓ prastha of the same (¾ siki) were given respectively for rubbing the body and the head with, and ¾ prastha for a light in each apartment (प्रादीपिक).

An elephant of 16 feet in height, and in rut, was given the same amount of food as one of 14 feet, and the rest when in rut were given food according to their size. A young elephant captured for sports (विष्ठ) was fed on milk and meadow-grass.

TRAINING OF ELEPHANTS.

It was one of the most important duties of the superintendent of elephants to see that proper training was given to the animals under his charge by expert trainers. The elephants were divided into the following four classes according to their training:—

(i) दम (those that were being tamed); (ii) यात्राह्व (those trained for war); (iii) उपवाह्व (those trained for riding, etc., in times of peace); (iv) वाह्य (those that were refractory and difficult to be broken).

The taming of elephants had several clearly marked out stages.

The process began when the animal was brought to attach itself to a herd of tamed elephants, and lost its wildness by contact with them; this was called the यूथगत (*jûthagata*) stage of the training. Then the animal was cleverly thrown into a pit specially dug, to subdue its ferocity; this was the अपपातगत (*apapâtagata*) stage. The next step in the taming (वारिगत—*vârigata*) was to keep the animal confined within a particular area of the forest instead of allowing it to roam at large.

The next disciplinary measure was to tie the animal to a post when it was found to be sufficiently gentle for the purpose (स्तम्भगत—*stambhagata*). The taming was completed when the elephant became so gentle that it allowed its driver or trainer to sit on its withers without protest; this was the स्कन्धगत (*skandhagata*) stage.

Of the elephants tamed in the above way some were selected for military training and some for purposes of ordinary work.

As regards military training, the preliminary steps adopted were to accustom the elephant to girths (कक्षाकर्म) and collars (ग्रैवेयकर्म) and to co-operation with a herd in a common work (यूथकर्म). Then the animal was taught the following movements necessary for war:—

(i) उपधान (rising, bending, jumping over fences, etc.); (ii) संवर्तन (turning); (iii) संधान (moving forward straight or transverse, or making serpentine movement); (iv) वधावध (killing and trampling down); (v) दन्तियुद्ध (fighting with other elephants); (vi) नागराभेद (assailing forts and cities); and (vii) सांग्रामिक (other cognate movements relating to war).

With regard to the training of elephants in

riding, they were first taken through the preliminary processes of discipline, through आरट्टकर्म,[1] दीपकर्म or drudge-work, and आरोहकर्म or responsiveness to signs. Then they were trained in the following movements, viz. :—

(i) चारचर्य (nimble motion); (ii) कुञ्जरोपवाह्य (being mounted from another elephant); (iii) धोरय (trotting); (iv) चाषाणवलिक (moving with two or three legs); (v) यष्ट्युपवाह्य (readiness to be driven by means of a stick only); (vi) तोदोपवाह्य (submitting to an iron hook); (vii) शब्दोपवाह्य (readiness to be driven by mere signs); and (viii) मार्गानुग (being trained in hunting).

Lastly, there were those elephants that were regarded as the failures of training. Their viciousness generally consisted in aversion to work, obstinacy, perversity, unsteadiness and bad temper. There were three classes of such elephants, viz. : (1) *suddha*, having unmitigated

[1] Bhaṭṭasvâmî has explained आरट्टकर्म as the process by which elephants unfit for work owing to excessive fatness or leanness, or other defects, were rendered useful. The word आरट् also occurs in the हस्त्यायुर्वेद of पालकाप्यमुनि, p. 49, to denote elephants that were weak, naturally, or through some disease or effect of medicines :

प्राकृतः आरट्टो यश्च वमनाद्युपचारतः
प्रकृत्या व्याधिभिश्चापि दुर्बलश्चौषधैरपि ।

viciousness; (2) *suvrata*, clever at mischief; and (3) *vishama*, *i.e.* having vices of all types. The only way to keep them under control was by punishment and the use of fetters and other means to control their vicious tendencies. For these purposes there were in use bridles (वारायत्र), leg-chains (परिक्षेप), frontal fetters (उत्तर), hooks (अङ्कुश), and other mechanical devices.

ORNAMENTS.

Among the ornaments of elephants are mentioned necklaces such as वैजयन्ती, क्षुरप्रमाल, as well as housings (आस्तरण) and howdah (कुथ); and among war accoutrements are mentioned mail-armour (वर्म), clubs (तोमर), quivers of arrows (शरावाप), etc.

MEDICAL TREATMENT.

As in the case of cows and horses, there were doctors employed to apply medicines to elephants suffering from diseases due to overwork, rut or old age. Their chief duties were, however, preventive in their character—taking care that the physical conditions surrounding the life of the elephants conformed strictly to the rules of hygiene and

sanitation (खानशुद्धि). Failure to take the necessary steps for the health of elephants was punishable with fines. There was also inspection as regards the proper growth and harmonious development of all the parts of the body of an elephant. This was regulated according to several standards and types of its physical development.

There were also certain rules for the cutting of tusks of elephants. Elephants born in countries irrigated by rivers had speedy growth of tusks, which were cut once in two-and-a-half years; and for mountain elephants, whose tusks grew more slowly, it was done once in five years. The rule was to leave at the root a length equal to twice the circumference of the tusk measured at its base.

CEREMONIES FOR THE WELFARE OF ELEPHANTS.

Ceremonies were observed to propitiate unseen agencies for the welfare of elephants. Thus, खारनि or the waving of lights was performed thrice daily in the rainy season and at the periods of conjunction of two seasons. Sacrifices to *Bhûtas* were also performed on

new-moon and full-moon days, as also to सेनानी or Kârtikeya, the god of war.

We have now completed our account of the Department of Live Stock in Chandra Gupta's Government, and have seen the comprehensive character of its scope and work touching the welfare and growth of the useful animals on which depended to a great extent both the economic prosperity and political security of the country.

CHAPTER V.

MEANS OF COMMUNICATION.

§ 1.—LAND ROUTES AND CONVEYANCES.

CONSIDERING the vast extent of the empire of Chandra Gupta, embracing as it did the whole of Northern India from the Bay of Bengal to the Arabian Sea, an area wider even than that of British India, it is evident that the machinery of government by which the administration of this mighty empire was carried on was highly elaborate and developed, the product of evolution through centuries. It implied the existence of all the principal factors on which depends the efficiency of such governments, viz., a well-disciplined army of sufficient strength, a well-organized system of administration, and a well-developed system of communication by which the heart of the empire was brought into constant and vital connexion

with its distant and various parts. We shall have occasion to speak in another place of the organization of Chandra Gupta's army and administration. In the present chapter we shall confine ourselves to an account of the means of communication that existed in Chandra Gupta's time, the network of roads, trade routes and water routes, etc., that, radiating from the centre at Pâṭaliputra towards the four quarters of the empire, covered up the entire territory embraced by it. Among the principal agencies of transport, we shall have to refer to vehicles and conveyances as also to ships and boats which established and carried on the intercourse not only between the different parts of the country along the recognized water routes, but also the intercourse of the empire with the outside world across the seas.

As already pointed out, the trade routes led towards all the four quarters of the empire—north, south, east and west, as is apparent from the passages quoted below. The number of routes in each direction seems to have been determined by consideration of traffic. From this standpoint Kauṭilya regards the routes leading to the south as more important than

those leading to the Himâlayas; for while the latter brought to market the supply of blankets, skins and horses, the former facilitated the supply of such valuable commodities as diamonds and other precious stones, pearls, gold and conch-shells, of which Southern India was the noted home for ages. On the same considerations it is also stated that of the southern trade routes the more important were those that passed by a larger number of mines, carried a larger volume of traffic in merchandise of various kinds, and were hence used by a larger number of men. There were also other routes leading to the east and to the west, the importance of which was also determined as above.[1]

One of these routes was undoubtedly what has been mentioned in Megasthenes as the "Royal Road"[2] connecting Pâṭaliputra with

[1] अन्यत्रापेऽपि—"वैभवतो दक्षिणापथाच्छ्रेयान् हस्त्यश्व-गन्ध-दन्त-जिन-रूप्य-सुवर्ण-पण्याकरवत्तरः"—(रत्नाध्यायः)।

नेति कौटिल्यः—"कम्बलाजिनाश्वपण्यवर्णाः प्रभूतवसुमणि-मुक्ताप्रवालसुवर्णपण्याश्च प्रभूततरा दक्षिणापथे। दक्षिणापथेऽपि वज्र-वैदूर्याकरपथः प्रसिद्धगमितरत्न-व्यायामो वा बहिर्द्वयः श्रेयान्। प्रभूतविषयो वा कनकपथः। नेन पूर्वः पश्चिमश्च बहिर्द्वयो व्याख्यातः।"—Bk. VII, कर्मसन्धिः, p. 298.

[2] Megasthenes, Bk. IV, Fragment lvi.

the Indus valley, and enabling the power of Chandra Gupta to be felt even in the regions of the North-Western frontiers which had been newly wrested from the hands of Seleucus Nikator.

But roads and trade routes[1] had a political importance besides an economic. To have control over them meant over-reaching the enemy. They were the means of transport of troops, messengers, envoys, as well as weapons, armour, chariots, pack-animals, etc.

Roads and trade routes were of various kinds, with various designations. They were classified (1) according as they were used by beasts of burden, men on foot or in conveyances, and (2) according to the destinations they led to. Thus, the राजमार्ग[2] (4 daṇḍas or 32 feet wide) was the king's highway. It owed its

[1] वणिक्पथः परातिसन्धानस्य योनिः ; वणिक्पथेन हि दण्ड-मूढ़पुरुषातिसरणं अक्षावरणयानवाहनक्लमश्च त्रिश्यते । प्रवेशो निर्वेशश्च ।—Bk. VII, दीनग्रन्थिपूरणम्, p. 305; सप्रतिविधित यानवाहनपुरुषपरिवापः प्रतिष्ठेत, etc.—Bk. I, दूतप्रणिधिः, p. 30.

[2] नियोगेऽभियाने च राजमार्गमुभयतः छतारकं दण्डिभिरपान्त-रक्षद्भप्रव्रजितवर्गं मध्येन् । न पुरुषसम्बाधमवगाहेत ।—Bk. I, आवरणिकम्, p. 45; यतः प्राचीना राजमार्गाश्च उदीचीना इति वास्तुविभागः ।—Bk. II, दुर्गनिवेशः, p. 54.

name evidently to the fact that the king used it on solemn occasions, when it was cleared of crowds and guarded by soldiers with drawn swords. There used to be six such roads in a city, three running north and south and three east and west. रथ्या was the broad road, 4 daṇḍas or 32 feet wide, along which chariots could run with ease. There is also mention of a रथपथ, apparently for smaller chariots, as it was only 5 aratnis or 10 feet wide. The पशुपथ, having a width of 4 aratnis or 8 feet, was the road for cattle in general, while there were the गवापशुपथ for the larger animals, and the क्षुद्रपशुपथ for the smaller ones, having a width of 2 aratnis or 4 feet.[1] There were routes called खरोष्ट्रपथ (*lit.*, for asses and camels). They were so made that they could be used whatever the season or the nature of the soil through which they passed. Besides the aforesaid roads, there was also distinguished a शकटपथ (cart-track) which admitted of a larger volume of traffic than the पादपथ, and the मनुष्यपथ

[1] It should be noted that these roads took their names from the principal uses for which they were meant. It must not be thought that a road for the purpose which its name implies was not put to any other use for which it was fit.

(2 aratnis or 4 feet wide) meant for pedestrians only. The संकटपथ was a narrow road of the latter class.[1] Of these roads and routes some have been singled out in the Arthaśâstra as trade routes proper (वणिक्पथ). These are the चक्रपथ, वाहपथ, वंशपथ and खरोष्ट्रपथ. The reason of this distinction seems to be that the trade routes were usually of very great length and passed through a variety of soils and climes.

As has been already mentioned, there was also a class of roads that were designated according to their destinations. The राष्ट्रपथ (4 daṇḍas or 32 feet wide) was the road leading to the districts. The road leading to pastures was known as विवीतपथ, and was of the same breadth. The approaches to the *forts in the centre of* 400 *and* 800 *villages* were known respectively as द्रोणमुखपथ and स्थानीयपथ, and were of equal breadth with the preceding.[2] The खर्वटीयपथ led to the fields

[1] दुर्गनिवेशः—Bk. II; विवीतक्षेत्रपथरक्षिंसा—Bk. III; and कर्मसन्धि—Bk. VII; तथापि चक्रपादपथयोश्चक्रपथो विपुलारण्यलाक्षेत्रान् देशकालसम्भवनो वा खरोष्ट्रपथः स्थाप्यान् वंशपथो व्याख्यातः—Bk. VII, कर्मसन्धिः।

[2] चतुश्शतग्रामाग्रमध्ये स्थानीयं, चतुःसहस्रग्रामाग्रा द्रोणमुखं, द्विसहस्रग्रामाग्रा खार्वटिकं, दशग्रामीसंग्रहेण सङ्ग्रहणं स्थापयेत्।

—Bk. II, जनपदनिवेशः।

under cultivation (बीज = seed or grain). The road leading to a military station was called the सैन्यपथ. The श्मशानपथ, as the name indicates, led to the cremation-grounds, while the ग्रामपथ was a thoroughfare which led to and through a village. The above four classes of roads were all 8 daṇḍas or 64 feet wide. The paths to forests were known as वनपथ (4 daṇḍas or 32 feet wide), and those leading to elephant forests were called हस्तिवनपथ (2 daṇḍas or 16 feet wide). The roads leading to or passing over elevated and difficult places like embankments were designated as सेतुपथ (4 daṇḍas or 32 feet wide).[1]

Besides the above classes, there are mentioned a few other roads peculiar to forts[2]:—

(i) रथचर्यासंस्कार, *i.e.* roads for chariots, paved with planks cut from the trunks of palms, or with broad and thick slabs of stones. (ii) प्रतोली, which was a broad passage between two towers (प्रासाद). (iii) देवपथ, which was the passage leading to a temple. (iv) Paths which were as broad as a daṇḍa (8 feet) or two and were called चार्या.

[1] दुर्गनिवेशः—Bk. II.

[2] दुर्गविधानम्—Bk. II.

Among other minor roads may be mentioned the खल्य, a defile or small path admitting passage for a single man.[1] उपाध्य is a small passage through fields,[2] etc., and विशिखा[3] a road in the city on which the workshop for the State goldsmith was built.

The free flow of traffic along the established roads and trade routes was naturally one of the cares of the State, and all interference with it was punishable. Suitable fines were imposed for blocking passage, which varied with the importance of the roads.[4] The fines for blocking or digging some of the roads mentioned above are thus laid down in the Arthaśâstra: for क्षुद्रपशुपथ and मनुष्यपथ, 12 paṇas; for महापशुपथ, 24 paṇas; for शकटवेशपथ, 54 paṇas; for सेतुपथ and वनपथ, 600 paṇas; for क्षेत्रारामपथ and ग्रामपथ, 200 paṇas; for द्रोणमुखपथ, 500 paṇas; for स्थानीयपथ, राष्ट्रपथ and विवीतपथ, 1000 paṇas; for digging the roads too deep, four times the above fines were inflicted.

We now proceed to give an account of the

[1] मत्स्याग्निरक्षप्रविधयः, बीजधान्यारक्षप्रसारवधश्च—Bk. XII, p. 388.

[2] वास्तुविक्रयः—Bk. III, p. 169.

[3] स्वकर्मशालायां सुवर्णाध्यक्षः—Bk. II, p. 85.

[4] विवीतवेशपथविंशा—Bk. III, p. 171.

various types of vehicles, conveyances and other means of land carriage which were then in use. First come *chariots*, the construction of which was placed under the supervision of the superintendent of chariots (रथाध्यक्ष), who had to see that the chariots built corresponded with the various sizes and types in vogue; for there are mentioned no less than seven different sizes of chariots with a normal height of 10 purushas, *i.e.* 10 feet, but with a width ranging from 6 to 12 feet. There are also mentioned six varieties of chariots for different purposes. Thus the देवरथ was the chariot for the idols, the पुण्यरथ was the festal chariot, the सांग्रामिक war-chariot, the पारियानिक that used ordinarily for travelling. There was another class of war-chariots called the परपुराभियानिक for use in expeditions. Lastly, there was the वैनयिक or the chariot used in the period of training.[1]

Among *minor vehicles*[2] we have the क्षुद्रयानम्, a small cart; the गोल्लिङ्गम्, a cart of medium size drawn by bulls; and the शकट or big cart.

[1] रथाध्यक्षः—Bk. II.

[2] क्षुद्रपशुसंयुक्तश्च व्यवहारो यानकं दद्यात्; पञ्च क्षुद्रयानम्, षड्-गोल्लिङ्गम्, दश शकटम्—Bk. II, यानाध्यक्षः, p. 127.

The carts were in very general use, and a brisk trade in them was carried on to meet the demand.[1]

The chariots, carts[2] and other vehicles were usually drawn by camels, bulls or horses. The cart-driver was called चक्रचर.[3]

Lastly, the शिविका[4] or palanquin was also a means of conveyance, पीठिका being another variety of the same.

As regards the king's conveyance, great precautions were taken to ensure his personal safety when he rode a horse, etc., or was carried in a chariot or other vehicle. Hereditary grooms and drivers were generally appointed, and stringent punishments meted out to those who stole or caused hurt to royal

[1] वान्यरसलोहपण्याः शकटव्यवहारिणश्च निर्गमकराः—Bk. V, कोशाभिसंहरणम्, p. 241.

[2] नवाश्व-रथोष्ट्राणां च प्रजाः—Bk. VII, दीनप्रतिपूरणम्। युग्यवाहनशकटवहा दमाः—Bk. II, मौर्यशब्दः। कुर्याद्वाजिवाजियोगं रथेष्वश्वपतौ नृपः—Bk. X, युद्धभूमयः, पत्यश्वरथहस्तिकर्मणि च, p. 369.

[3] चक्रचराणां वा शकट-वाटे-रपमर्देत्—Bk. VII, सन्धिकर्म, सन्धिमोक्षश्च, p. 315.

[4] दासभृतारक्षणशिविकापीठिकारोहेषु च विशेषार्थम्—Bk. II, अधिकाध्यक्षः, p. 128.

horses and elephants, and damage to royal carriages.[1]

There were rules for the driving of vehicles to ensure the security of the passers-by. I need not, however, enter into these details.[2] Cart-stealing was severely punished.[3] Special[4] care was taken for repairing the roads, and favour was shown to the labourers by exempting them from taxes.

I conclude this account of land routes and conveyances by a reference to the facilities for travelling that were offered by the State. The supply of water and shade was one of the concerns of Government. Trees were planted along the roads, and water-storages were set up, ministering to the comfort of passers-by. There was also provision made by hotel-

[1] नौकापुरुषाधिष्ठितं यानवाहनमारोहेत्—Bk. I, चालरक्षित-कम्; (यदि) राजहस्त्यश्वरथानां हिंसकान् क्षेत्रान्वा मूल्यानारोहयेयुः—Bk. IV, मूढचित्तस्य दण्डकल्पः, p. 227.

[2] *Vide* Bk. IV, चतिचारदण्डः।

[3] चक्रयुगं नावं चुम्बकं वापहरत रक्षपादवधः चिह्नतो वा दण्डः—Bk. IV, रक्षाद्रव्यविनिमयः, p. 225.

[4] शोधयेत् पथ्युदकं च चीयमानं वणिक्पथं—Bk. II, जनपद-निवेशः, p. 49; मध्यमवरं वा दुर्गसेतुकर्मवणिक्पथयून्यनिवेश-खनिद्रव्यहस्तिवनकर्मोपकारिणं प्रत्यन्तमस्यप्रमाणं वा न बाधेत—Bk. V, कौशलिसंहरणम्, p. 240.

keepers for the supply of food and resting-place to travellers.[1] These facilities anticipated those of Asoka as set forth in his Rock Edict II.

§ 2.—WATERWAYS AND SHIPS AND BOATS.

From the above it appears that the vast territories over which Chandra Gupta held sway were interconnected by a system of communications, which was one of the chief means of welding them together into one mighty empire governed from its centre at Pâṭaliputra. The means of communication thus established had, as I have already said, not merely a political significance; they helped to create and carry a large volume of inland trade which was equally instrumental in uniting the different parts of the empire in ties of common material interests.

The system of communications, however,

[1] तुल्यशीलपुंश्चलीप्रापाविक-कथावकाशभोजनदाहभिः अपसर्पयेत्—Bk. IV, वाक्यकर्मानुयोगः, p. 219.

सहोदकं चाहार्योदकं वा सेतुं बन्धयेत्। अन्येषां वा बहूनां भूमिमार्ग-दृष्योपकरणानुग्रहं कुर्यात् पुण्यस्थानारामांश्च संभूय सेतुबन्धात्प्रकामतः कर्मकरवणीवर्दाः कर्मकुर्युः—Bk. II, जनपदनिवेशः, p. 47; पुण्यस्थलवाटपद्मकेदारभूम्युपापासेतुः—Bk. II, समाहर्तृसमुदयप्रस्थापनम्, p. 60.

could not be complete without the means of water-carriage, which in India, pre-eminently the land of rivers, were imperatively necessary. That these were fairly developed is quite evident from the Arthaśâstra; in fact, all matters relating to navigation, whether inland or oceanic, were dealt with by a separate admiralty department managed by various officers.

There were several classes of water routes: first, the ordinary river routes and the artificial waterways or canals (कुल्या) which were greatly resorted to by traders on account of the undoubted cheapness of water-carriage. Kauṭilya, however, shows his preference[1] for land routes over water routes on account of the lesser risks involved in the former. Secondly, there were the routes for coastal traffic (कूलपथ)

[1] दशेन वर्धिष्यते पथोव्याख्यातः। तथापि—"वारिस्थलपथयोर्वारिपथः क्षेमवान् बलव्ययव्यायामः प्रभूतपण्योद्वश्च" इत्याचार्याः। नेति कौटिल्यः—"संवहनातिरसार्वकालिकः प्रच्छदभक्तवाहिनिष्क्रयातिसारश्च वारिपथः; विपरीतस्थलपथः। वारिपथे तु कूलसंतानपथयोः कूलपथः पञ्चपट्टबन्धाऽस्थाक्षेत्रावद्दीपथो वा शातत्वादिपच्छावाधलाच्च"।—Bk. VII, कर्मसन्धिः, p. 298.

कौटिल्यः—"वारिस्थलपथभोगयोरन्तिमो वारिपथभोगो, नित्यस्थलपथभोग इति"।—Bk. VII, बलवदिग्रहसन्धिः, p. 294.

carrying on inter-portal communication. These were naturally more exposed to dangers than either the river routes or the land routes. Lastly, there were ocean routes (संघानपथ) carrying on the intercourse of India with foreign countries across the sea. The existence of definite ocean routes, clearly marked out, no doubt implies a high degree of development of the art of navigation.

The natural risks of water-carriage were, however, overcome by the efficiency of the means of transport that were in use. Ships and boats were built of various descriptions suiting the purposes of both inland and marine navigation. In the Arthaśâstra mention is made of the following kinds of ships and boats:—

(i) संयात्याः नावः, *i.e.* ocean-going vessels. These ships had to pay tolls (शुल्क) at the harbours (क्षेत्र) at which they touched.[1] Amarakosha defines a सांयात्रिक as a merchantman (पोतवणिक्).

(ii) प्रवहणः This is another name for sea-going vessels, or more properly merchantmen, for it is thus defined in the commentary on

[1] संयातनौवः क्षेत्राभुवताः शुल्कं वाक्षेत्र ।
—Bk. II, नावध्यक्षः, p. 126.

उत्तराध्ययनसूत्रपटीका, p. 246: यात्रुत्रिका: यात्रारिक: महाबलुई प्रवहणैस्तरन्ति, *i.e.* "sea-going merchants cross the main in प्रवहण."[1]

(iii) मुक्तमुक्तापाधिक: नाव: These were the boats used for pearl-fishing in various parts of the ocean. They were generally the property of Government, but were also let out to private individuals on payment of the necessary fee (नौघाटक). But pearl-fishers were also allowed to carry on their business in their own boats (स्वनाव:).[2]

(iv) महानाव: These were big vessels for use in those large rivers (महानदीषु) which could not be forded even in the dry seasons and were navigable throughout the year.[3]

(v) The royal barge was another type of boat, manned by trustworthy sailors (यान-विकाधिष्ठित: नौ:). It had to be tagged on to another boat, evidently for the safety of the king. The king never used a vessel that had

[1] प्रवहणनिमित्तमेकोऽमात्य: सर्वानमात्यानाचक्षीत् ।
—Bk. I, उपधाभि-मुक्तौचाक्षौचज्ञानममात्यानाम्, p. 17.

[2] मुक्तमुक्तापाधिको नौघाटकान् दद्यु, स्वनौभिर्वा तरेयु: ।
—(नावध्यक्ष:) ।

[3] महानावो पेतनमक्षीमार्थांस्तु महानदीषुप्रयोजयेत् ।—*Ibid.*

once been weather-beaten, and, as a further precautionary measure, soldiers were stationed on the bank or shore when he boarded a vessel.[1]

(vi) क्षुद्रकाः नावः These were small boats specially meant for use in small and shallow rivers (क्षुद्रिकासु) that overflowed in the rains.[2]

(vii) खनरघाणि Besides the Government ferry-boats, there were also ferry-boats belonging to private persons. These were allowed to cross the rivers at all times and places.[3]

(viii) शिंशिकाः These were the pirate ships and boats. The admiralty regulation was that they should be pursued and destroyed whenever they were found. The same regulation applied to the ships and boats of an enemy's country when they crossed its limits (अमित्रविषयातिगाः) and also to vessels violating harbour rules (पत्तपत्तनचारित्रोपघातिकाः).[4]

[1] नावं आप्तनाविकाधिष्ठितामन्यनौप्रतिबद्धां (आरोहेत्); यातवेगवद्वां च नोपेक्षात्। उदकान्ते सैन्यमासीत।
—Bk. I, आत्मरक्षितकम्, p. 44.

[2] क्षुद्रकाः (नावः) क्षुद्रिकासु वर्षाचारिषीषु।—(नावध्यक्षः)।

[3] *Ibid.*

[4] शिंशिका निर्घातयेत्। अमित्रविषयातिगाः पत्तपत्तनचारित्रोपघातिकाश्च—(नावध्यक्षः)।

A reference has now to be made to the crew for manning ships and boats. The captain of a ship was called the नायक, and the steersman the निर्यामक. There were also the sailors, with sickles and ropes, known as दात्रदम्भिणाश्चका:. Lastly, there was a staff of sailors whose duty it was to bale out water (उत्सेचका:).[1]

Besides the regular ships and boats, there were devised various other means of water-carriage. These were (*a*) काष्ठसङ्घात—pieces of timber tied together, serving the purposes of a boat; (*b*) वेणुसङ्घात—a boat made of bamboos tied together; (*c*) चर्मोडु—a vessel made of the bottle-gourd; (*d*) चर्मकरण्ड—a basket covered with skin; (*e*) द्रति—a leather bag that could be floated and used as a boat; (*f*) प्लव—canoe; (*g*) गण्डिका—a floating device made of the leather of the rhinoceros; (*h*) वेदिका—a float of reeds, etc., woven together.[2]

Other means[3] of crossing water were the bridges of various kinds. Besides the ordinary

[1] *Vide* नावध्यक्ष:. Cf. the list of crew as given by चाणक्य: —"कर्णधारकुलाधिक: निर्यामका: पोतवाहा:।"

[2] चर्मिखण्डसङ्घातमशकेतुवन्धनौकाष्ठवेणुसङ्घाता: चर्मोडुचर्मकरण्डद्रतिप्लवगण्डिकावेदिकादिभिरुदकानि तारयेत्—Bk. X, छन्दा-

bridges (सेतुबन्ध) there were also the bridges of boats as well as the bridges formed by elephants standing in a row.

In the chapter नावध्यक्ष: there are a few rules relating to the duties of the नावध्यक्ष (the superintendent of the admiralty department), of the खन्यध्यक्ष (the superintendent of ocean-mines) and of the पत्तनाध्यक्ष (the superintendent of ports). There are also mentioned the regulations as to the collection of taxes and ferry charges (तरदेय), repair of ships and boats, time and place for crossing rivers, entrance of foreign merchants into the country, arrest of suspected persons, and concessions made to some classes of persons as regards crossing and ferry fees, *e.g.* children, old men, etc.

वारप्रवाहम्, p. 868; वर्षारात्रमनूपग्रामाः पूरवेलामुत्क्रम्य वसेयुः। काष्ठवेणुनावश्चापस्थीयुः—Bk. IV, उपनिपातप्रतीकारः, p. 206.

उच्चमानमनस्तावदुत्तिष्ठवमक्षिकावेधिकाभिस्तारयेयुः। खनभिस्तरतां द्वादशपदो दण्डः, अन्यत्र ग्रवर्षीनेभ्यः।—Bk. IV, उपनिपातप्रतीकारः, p. 206.

नदीदुर्गं वि चक्षिक्षभयङ्गमसेतुवन्धनौभिस्ताधमनित्यगाधीर्यं-मपक्षायुदकं च—Bk. VII, भूमिसन्धिः, p. 292.

शिविरमार्गसेतुकूपतीर्थशोधनकर्मवन्नायुधावरोधकरक्षास-वहनमार्गशोधनाच्च प्रहरक्षावरक्षप्रतिविधापनवर्जमिति विष्टि-कर्मादि—Bk. X, पत्यवरक्षक्षिकर्मादिच, p. 369.

Besides these, there were a few other rules regarding deposits in ships, the rate of interest for money lent or borrowed by sea traders (यानुप्राः) and the punishment for stealing boats.[1]

It is apparent from the above that intercourse was established in that ancient time between the empire of Chandra Gupta and very distant places. That foreign merchants used to come to his empire and that commerce was carried on with distant countries are evident from references made to them in several passages under the names of पारविषयिकाः[2], यानुप्राः,[3] यार्घवानपात्राणि,[4] and also by the use of such expressions as "देशकालात्मरितानां तु पण्यानां,"[5]

[1] नाविनिमग्नार्थां नुषितार्थां खयमुपरुद्धो नोपनिधिमभ्याभवेत्—Bk. III, औपनिधिकम्, p. 177; विंशतिपणा यानुप्रार्घा। ततः परं कर्तुः कारयितुश्च पूर्वसाहसदण्डः—Bk. III, ऋणादानम्, p. 174; नाविकसार्थवाहेभ्यश्च परिहारमापत्तिकं दद्यात्। अनभियोगसार्थिभ्यानमूलामन्यत्र सभोपकारिभ्यः—Bk. II, पण्याध्यक्षः, p. 98.

अक्षयुग्मं नावं क्षुद्रपशुं वाऽपहरतः रेकपादद्वयः चिह्नतो वा दण्डः—Bk. IV, एकाङ्गवधनिक्रयः, p. 225.

[2] *Vide* नावध्यक्षः।

[3] Bk. III, ऋणादानम्।

[4] Bk. I, अध्यक्षसमाहर्तृसमाहर्तृ च दृगिः।

[5] Bk. IV, वैदेहक-रक्षणम्; see also पण्याध्यक्षः—Bk. II; कर्मस्थिः—Bk. VII, etc.

etc. Lastly, in the chapter entitled कोशप्रवेश-रत्नपरीक्षा in Book II, among other things it is mentioned that कालेयक, a kind of sandal, came from सुवर्णभूमि, *i.e.* Burma; चीनभूमिजाः चीनपट्टाः, fabrics of Chinese manufacture, came from that distant country; and gems of various kinds, as well as अगरु (the fragrant Aloe-wood) of several sorts, came from Ceylon (पारसमुद्र).[1] There are mentioned many other names of distant countries the products of which were brought into the empire by the means of intercourse that were established, but those already quoted are sufficient for our purpose.

[1] Mr. N. L. Dey has very rightly restored the word *Palœsimundu* of the *Periplus of the Erythræan Sea* to its proper form as *Pârasamudra* (पारसमुद्र) in the second edition of his *Geographical Dictionary of Ancient and Mediœval India*, the manuscript of which he has kindly allowed me to consult. His restoration of the word is confirmed by Bhaṭṭasvâmî's Commentary, which says that the fragrant Aloe-wood, called Pârasâmudraka after the place where it grows, is obtained in Sinhala (Ceylon).

CHAPTER VI.

Minor Works of Public Utility.

In the previous chapters has been described the field of activity covered by some of the major works of public utility. In the present, an account will be given of some of the minor measures that were adopted, and the institutions that were established, for the promotion of the welfare of the people in certain special directions. These, roughly speaking, were connected with the relief and alleviation of sickness, poverty and distress, as well as with the patronage and encouragement of merit.

MEDICAL AIDS, SANITATION, ETC.

It is well known that in ancient India, as far back as the age of Buddha, much progress was made in medicine and surgery, which were fast being applied to the relief of human

suffering. "According to the Indian tradition preserved in the Buddhist Jâtakas or Folklore, there existed in India in the age of Buddha two great universities or seats of learning, in which '*all sciences*,' *including medicine*, were taught by 'professors of world-wide renown.' These two universities were Kâśî or Benares in the east, and the still more famous Takshaśilâ or Taxila (on the Jhelam river) in the west. In the latter university in the time of Buddha or shortly before it, the leading professor of medicine was Âtreya. He, accordingly, should have flourished at some time in the sixth century B.C. As one of the names of Suśruta's teacher is Kâśîrâja, which literally means King of Kâśî, he may not unreasonably have referred to the University of Kâśî or Benares."[1] Jîvaka, the famous physician who was contemporaneous with Buddha, is stated to have studied medicine in the Taxila university under Âtreya.[2] The Vinaya Piṭakas also give us some information on this point.[3] "Rules for preparing various kinds of medica-

[1] Hoernle's *Studies in the Medicine of Ancient India*, pp. 7, 8.
[2] Rockhill's *Life of Buddha*, p. 65.
[3] Vinaya Piṭakas: Mahâvagga VI, 1–15 and 17–21.

ments, as well as medical and surgical operations," says Prof. Kern, "are prescribed in the Vinaya, so that we get some notion of the condition of medical science in the period when that part of the canon was composed."[1] From these evidences, which are sufficient for the present purpose, we get an idea of the state of Indian medical science as far back as the time of Buddha, or even before it, and the advancement it attained in medicine and surgery. The degree of progress achieved in Chandra Gupta's time will be evident from the measures adopted by his Government to secure the health of his people. We learn from Megasthenes[2] that of the six bodies that were in charge of the city, one had "to attend to the entertainment of foreigners. . . . *They took care of them when they were sick*, and if they died buried them." Thus the care and treatment of the sick foreigners formed one of the duties of Government. This shows that physicians, with medicines and appliances, had to be kept in readiness to meet the emergencies. Arrian, moreover, refers to an

[1] Kern's *Manual of Indian Buddhism*, p. 85.

[2] Megasthenes, Bk. III, Fragment xxiv.

interesting incident which reflects no small credit on the Indian physicians of the day. Alexander had in his train several proficient Greek physicians, but they confessed their inability to deal with the cases of snake-bite very common in the Punjab. Alexander was obliged to consult the Indian *Vaidyas*, who successfully treated these cases. The Macedonian king was so struck with their skill that, according to Nearchos, he employed some good *Vaidyas*, and ordered his followers to consult them in cases of snake-bite and other dangerous ailments.

That there were hospitals with store-rooms (भैषज्यागार) containing medicines in such large quantities as could not be exhausted by years of use, is evident from the passages in the Arthaśâstra quoted below.[1] To the old store fresh supplies were constantly added.

In the Arthaśâstra there are references to four classes of medical experts, viz. भिषजः or चिकित्सकाः, *i.e.* ordinary physicians; आङ्गीविदः,

[1] उत्तरपश्चिमं भागं पक्वभैषज्यसंचयम् ।—Bk. II, दुर्गनिवेशः, p. 55; सर्पौषधान्यगारस्तत्रत्यभैषज्य . . . भिषजाम् चतुष्कवर्षोपभोगसंचयान् कारयेत् । नवेनागतं क्षीणयेत्—*Ibid.*, p. 56. See also p. 44, Bk. I, आगारचिन्तकम् ।

i.e. those who could readily detect poison; मर्मविदः or सूतिकाचिकित्सकाः, *i.e.* midwives; and army surgeons and nurses.[1]

The army surgeons with surgical instruments (शस्त्र) and appliances (यन्त्र), remedial oils (स्नेहौषध) and bandages (वस्त्र), and nurses with appropriate food and beverage, accompanied the army, and encouraged the soldiers.[2] For the treatment of the diseases of animals, there were the veterinary surgeons referred to in the previous chapters on the subject of live stock.

Several steps were taken for the plantation and growth of medicinal plants and herbs. Portions of fields cultivated directly under Government supervision were set apart and used for this purpose. These herbs were also grown in pots.[3]

Again, in the royal households, all kinds of

[1] भिषजः and आङ्गलीविदः—Bk. I, चातुरन्तिकम्, p. 48; मर्मविदः—Bk. I, शिल्पान्तरविधिः, p. 41; सूतिकाचिकित्सकाः—Bk. II, नागरकप्रविधिः, p. 146.

[2] चिकित्सकाः शस्त्रयन्त्रास्नेहौषधवस्त्रकाः शिबिरान्नपानागारचिन्तापुरुषानानुदर्शयन्तो हृष्टतर्पितेषु: ।—Bk. X, दूतप्रचारिकाः, etc., p. 367.

[3] Bk. II, सीताध्यक्षः, p. 117.

medicines useful in midwifery were kept, and the well-known medicinal herbs were grown in pots. Specified plants were also planted in the compounds of houses to ward off snakes. Cats, peacocks, mungooses and spotted deer were also kept there for the purpose. The shriek of birds such as mainâ, parrot, etc., which cry out in the vicinity of snake poison, was utilized. The following birds were also kept for their sensitiveness to poison, viz., the heron that swooned, the cuckoo that fell dead, and the partridge that reddened the eyes at the smell of poison.[1]

The State controlled and regulated medical practice in the land.[2] Laws were enacted to ensure that medical practitioners exercised due caution in treatment of patients. Every case of dangerous disease had to be reported to Government, failing which, the physician was fined. There was a penalty attaching to a proved case of carelessness on the part of a physician causing the death of a patient, while the aggravation of disease owing to his negligence was treated very much like a case of

[1] Bk. I, चिकित्सापरिचिति: ।

[2] Bk. IV, कायकरचदम् ।

assault or violence.[1] Thus the physicians were cautioned against "gathering experience" at the cost of the lives of hundreds of patients.

Measures were also taken for prevention of diseases. Thus, adulteration of all kinds was punished, *e.g.* adulteration of grains, oils, alkalies, salts, scents and medicines.[2] The health of the people in cities or crowded places was secured by sanitary measures. Throwing dirt, or causing mire or water to collect in roads and highways was punishable. Committing nuisance near temples, royal buildings and places of pilgrimage, or in reservoirs of water, was penalized, but exceptions were made when this was due to disease or effect of medicine. Throwing inside the city the carcases of animals, or human corpses, was also visited with fines. Carrying dead bodies through gates or along paths not meant for the purpose, as well as the interring or cremation

[1] Cf. S. B. E., Vishṇu, v, 175–177; Yâjñavalkya, II, 242; and Manu, IX, 284—"All physicians who treat their patients wrongly shall pay a fine: in the case of animals, the first or lowest, and in the case of human beings the middlemost amercement." Nârada adds: "But this refers to cases when death is not the result of the wrong treatment; for if that is the case, the punishment is greater."

[2] Bk. IV, वैदेहकरक्षणम् ।

of dead bodies beyond the limits of the prescribed burial-places and crematories, was also a violation of the sanitary regulations.[1]

Remedial measures, medical as well as religious, were adopted to ward off pestilences. In times of epidemic, physicians had to be busy distributing medicines, and ascetics and priests with their auspicious and purificatory ceremonials.[2]

The precautions taken for the health of the king were as follows:—Medical experts were appointed to detect poison. The medicines that were served out to the king were in the first instance proved as to their purity and then tasted by the physician, the decoctioner (पाचक) and the purveyor together.[3]

Post-mortem examination (आमृतकपरीक्षा).—It is noteworthy that there was arrangement in those days for post-mortem examination.[4] For this purpose the corpse was smeared with oil to prevent putrefaction. All cases of violent death caused, for instance, by suffoca-

[1] Bk. II, नागरकप्रविधिः ।
[2] Bk. IV, उपनिपातप्रतीकारः ।
[3] Bk. I, आत्मरक्षितकम् ।
[4] Bk. IV, आमृतकपरीक्षा ।

tion, hanging, drowning, etc., or by poisoning, were at once brought to the morgue, and the medical officers in charge had to find out as far as possible the exact cause of death from an examination of the symptoms, several of which are enumerated in the Arthaśâstra. The whole affair was subjected to a careful scrutiny, and if foul play was suspected, evidence was taken and the matter left to be disposed of in the law court.

Before we leave this subject it should be noted that the University of Takshaśilâ, where Pâṇini and Jîvaka were taught, must have continued to exist in its pristine glory at the time of Chandra Gupta, teaching the medical science which was included in its curriculum as before. Arrian describes Takshaśilâ as "a large and wealthy city and the most populous between the Indus and the Hydaspes." Pliny and Strabo also testify to its vast dimension and populousness. Its high repute as a wealthy city continued for many years after Alexander's invasion,[1] and its importance may be deduced from the fact that it continued to be the

[1] Cunningham's *Archæological Survey Report*, vol. ii, pp. 112, 118.

capital of the Punjab and residence of the viceroys under the early Maurya kings. Asoka lived here as viceroy during the lifetime of his father. These circumstances, as also the fact that we do not hear of any other university in Western India at the time of Chandra Gupta, confirm the aforesaid view. Though it is not distinctly stated in the Atthakathâ, as quoted by Turnour in his *Mahâwanso*,[1] that Kauṭilya, the minister of Chandra Gupta, was taught in the University of Takshaśilâ, yet, considering that he was an inhabitant of that town and that he achieved the knowledge of the three *Vedas*, could rehearse the *Mantras* and wrote several treatises on diverse subjects, we cannot resist the inference that he must have availed himself of the advantages which the university of his own town, so famous for its teaching in all the branches of learning, could afford.

INSURANCE AGAINST FAMINE, FLOOD AND FIRE.

We shall now turn to the measures taken for protecting the people against the ravages of famine, flood, fire, etc.

[1] Introduction, p. xxxix.

As a general preventive against famine and other such calamities, it was laid down that in the Government store-house only half of the garnered articles should be used and the other half reserved.[1]

The king had also special duties to perform towards his people during famine. In the first place, he had to provide them with seeds to secure a good harvest in future. When the famine had already overtaken the people, he started relief work (i) by दुर्भिक्षकर्म, *i.e.* works given to the famine-stricken for wage-earning, (ii) by free distribution of alms from the store-house referred to above, (iii) by the abandonment of his country to some other king (देशनिक्षेप), (iv) by taking help from allies, (v) by making the rich contribute to the famine fund, (vi) by temporary emigration with his subjects to a different kingdom with abundance of crops, (vii) by emigrating to the sea-shores or to the banks of rivers or lakes where he founded a new settlement and employed his subjects in growing grains, vegetables, etc., as

[1] Bk. II, कोष्ठागाराध्यक्षः ।

well as in hunting and fishing on a large scale.[1]

As a precautionary measure against floods during the rainy season, the people were made to remove from the banks of rivers, etc., in due time. Those who possessed or could procure canoes and other means of safety and escape were enjoined, under the penalty of fines, to give every possible help to persons falling victims to floods in spite of all precautions. Coupled with the above means was the performance of religious and other ceremonials to propitiate the spirits and the gods.[2]

Measures for the extermination of pests were also taken by Government. These "pests" generally included rats, locusts, injurious birds and insects, and tigers. To destroy rats, cats and mungooses were let loose; some varieties of poison were also used for the purpose. To kill tigers, several kinds of

[1] दुर्भिक्षे राजा बीजभक्तोपग्रहं क्षयाऽनुग्रहं कुर्यात्। दुर्गत-कर्म वा मक्षानुग्रहेण मक्षसंविभागं वा देशनिक्षेपं वा। सिंचादि वा यथान्यायेत्। कर्शनं दमनं वा कुर्यात्। निष्पन्नसस्यमन्यविषयं वा सजनपदो यायात्। सेतुदशरक्षडाकानि वा संचयेत्। धान्य-शाकमूलफलावापान् सेतुषु कुर्वीत। मृगपक्ष्यालमक्षारक्षान् वा।—Bk. IV, उपनिपातप्रतीकारः, p. 207.

[2] Bk. IV., उपनिपातप्रतीकारः।

poison were in use; sometimes hunters were employed, and several methods of entrapping were also resorted to.[1]

There were various regulations to protect person and property from fire. The danger from fire seems to have been very common, considering the material of which the buildings of the period were mostly constructed, viz. wood instead of stone.[2] Megasthenes informs us that "such cities as were situated on the banks of rivers or on the sea-coast were built of wood instead of brick, being meant to last only for a time, so destructive were the heavy rains which poured down; and the rivers also, when they overflowed their banks, inundated the plains; while those cities which stood on commanding situations and lofty eminences were built of brick and mud."[3] It is also known, on

[1] Bk. IV, उपनिपातप्रतीकाराः ।

[2] V. Smith's *Hist. of Fine Art*, p. 18: "Abundant evidence establishes the fact that Indian architects before the time of Asoka built their superstructures chiefly of timber, using brick almost exclusively for foundations and plinths. No deficiency in dignity or grandeur was involved by the use of the more perishable material." The present excavations at Pâṭaliputra are leading to the discovery of many wooden structures, *e.g.* pillars, platforms, etc. We are anxiously awaiting a corroboration of our views on this point by such findings.

[3] Megasthenes, Bk. II, Fragment xxvi.

the authority of the same Greek ambassador, that Pâṭaliputra, the capital, was surrounded by "a wooden wall pierced with loopholes for the discharge of arrows."[1] Wood seems to have been very extensively used in those days for building and other purposes, and therefore several precautions were taken and several rules laid down governing the use of fire.

During summer, villagers had to do their cooking in the open air, if they were not already equipped with what was called the *ten remedial instruments* (दशमूलीसंपत्).[2] These were (i) five water-pots (पञ्चघटाः); (ii) कुम्भ, a water-vessel of that name; (iii) द्रोणी, which, according to Bhaṭṭasvâmî, was a water-tub made of wood and kept at the door of a house; (iv) निश्रेणी, a ladder; (v) परशु, an axe to cut beams, etc.; (vi) शूर्प, a winnowing-basket to blow off smoke; (vii) वाहुक, a hook to pull down the burning pieces of wood; (viii) रज्जु, ropes, etc.; (ix) पञ्चरी, a basket for removing articles from the store-room, etc.; and (x) दृति, a leather bag for the same purpose as the preceding.

[1] Bk. II, Fragment xxv.

[2] Bk. IV, उपनिपातप्रतीकारः ।

In the city, every householder had to provide himself with the ten remedial instruments. During summer the kindling of fire was prohibited during the second and third quarters of the day. All men were enjoined, under the penalty of fines, to run to give help, in case fire broke out in any house. Thousands of vessels filled with water had to be kept in rows not only in the big roads but also at the crossings of roads and in front of royal buildings. The masters of the houses had to sleep at night in a place near the main doors of their premises, so that they might be easily accessible and come out of their houses to give help without delay. Thatched roofs made of straw and other materials that readily take fire, were not allowed within the city. Those who worked by fire, *e.g.* blacksmiths, had to live in a particular quarter of the city. Persons wilfully setting fire to a house were severely dealt with. If it was through negligence, only fines were imposed.[1]

[1] अग्निप्रतीकारं च पौरे मध्यमयोरङ्गयतुर्भागयोः चतुर्भागोऽग्निदण्डः । बहिरधिवर्षं वा कुर्युः । पादः पञ्चघटीनां कुम्भ्रोदीनिषेधोपरमाद्भूर्पाङ्गुल-कलशघटीदतीनां च चत्वरे । दग्धकुड्यान्यपनयेत । अग्निजीविन रक्षागृहं वासयेयुः । सम्दग्ध-

To propitiate Fire, offerings were made to him every day and prayers said.[1]

A FEW OTHER WORKS OF PUBLIC UTILITY.

We shall now turn to a few miscellaneous works of public utility, which are not without some interest. These were :—

(i) *Jail deliveries.*—To celebrate the anniversaries of the king's birthday and in commemoration of the birth of a prince, the installation of an heir-apparent, or the conquest of a new country, prisoners were set at large. Generally, on full-moon days, such prisoners as were very young, old or diseased were let out. Sometimes the prisoners were set free in consideration of their uniformly good conduct in the jail.[2]

(ii) *Advocacy of temperance.*—Only a limited number of people was allowed to take part in

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द्वारेषु मद्यस्वामिनो वसेयुः । अक्षपातिनो राज्ञो रक्षायै कटग्राह्यस्वरूपं तिष्ठेयुः । चतुष्पथद्वारे राजप्रतिग्रहेषु च । प्रदीप्तमनभिधावतो मद्यस्वामिनो द्वादशपणो दण्डः । षट्पणो विप्रविद्धः । प्रमादाद्दीप्तेषु चतुष्पथात्पणो दण्डः प्रादीपिकोऽग्निना दग्धः ।—Bk. II, नागरकप्रचिधिः, p. 145.

[1] Bk. IV, उपनिपातप्रतीकारः ।

[2] Bk. II, नागरकप्रचिधिः ।

liquor traffic, and a heavy fine was imposed on those who violated the rule. Liquor was sold only in small quantities not exceeding 1 prastha or $1\frac{1}{5}$ kancha in any case. Liquor shops were not allowed to be set up close to one another, and a Brâhmaṇ who took to drinking was very severely punished.[1]

(iii) *Grant of jagirs, etc.*—Brâhmaṇs performing sacrifices, spiritual guides, priests—all of them learned in the *Vedas*—were granted lands yielding sufficient produce and exempt from taxes. They were also given forests of *soma* essential to sacrifices.[2]

The wives and children of those officers who died while on duty received allowances. Infants and aged or diseased persons related to the deceased officers were shown favour. Under pecuniary stress, the officers were given forest produce, fields, cattle, etc., along with a small amount of money.[3] Indigent widows and disabled women and girls were provided with work in the weaving depart-

[1] See सुराध्यक्षः—Bk. II, p. 119, and पानागारसौवीरः—Bk. IV, p. 220.

[2] Bk. II, भूमिच्छिद्रविधानम् ।

[3] Bk. V, मृतभरदीयम् ।

ment of the State. Those women and girls who did not come out of their houses in strict observance of the *Pardâ* system but were compelled by poverty to work for subsistence, had their work brought within their reach daily by women servants of the weaving-house.[1]

(iv) Government seems to have kept a close watch that the claims of slaves, hirelings and dependents were not over-ridden. Elders of villages were entrusted with the duty of looking after the orphan minors in a village, and no person having wife and children was allowed to become an ascetic until he had made adequate provision for their maintenance. The State provided with maintenance the infirm and afflicted.[2]

[1] Bk. II, सूनाध्यक्षः ।

[2] Bk. II, जनपदनिवेशः ।

CHAPTER VII.

The Census.

It is interesting to know that there was some form of census current in India over two thousand years ago. Megasthenes hints at this in the following extract we make from his account:—

"The third body of superintendents consists of those who inquire when and how births and deaths occur, with the view not only of levying a tax but also in order that births and deaths among both high and low may not escape the cognizance of Government." [1]

The testimony of Megasthenes is amply confirmed by the details of census and similar operations preserved in the Arthaśâstra. The necessity to Government of an intimate knowledge of the places and people under it goes without saying, and it is no wonder

[1] Megasthenes, Bk. III, Fragment xxxii.

that in the effective administrative organization of Chandra Gupta there was found a place for census operations, the scope and aims of which were, however, necessarily different from those of similar operations in modern times.

The distinguishing feature of Chandra Gupta's census appears to be that it was not periodical, but a permanent institution—a department of the State run by permanent officials. The department was a large one, manned by several officers. The head of the department was called समाहर्ता, *i.e.* collector-general, who combined in himself, besides those connected with the census, various other functions, such as collection of revenue, checking accounts, land survey, and the like. The area under his administration was in the first instance divided into four districts, and each district into a number of villages. Each district was placed under an officer (स्थानिक), and under him was appointed a number of subordinate village officers (गोप), whose work was supervised by their superiors, the district officers. The village officer was put in charge of five or ten villages, according to the directions of the

collector-general.[1] Besides these, inspectors (प्रदेष्टा) were appointed for checking both the work and methods of the village and district officers. But this inspection was not enough. Over and above the inspectors, a special batch of officers was appointed by the collector-general to work as spies and "overseers" under various disguises on their own independent lines and supply information on their own account. The sphere of work of the spies was not identical with that of the village officers, for it included certain points of inquiry to which the village officers had to attend, and at the same time a few independent heads of inquiry, as will be explained below.

The functions of the village officers (excluding those in connection with the land survey) were these[2]:—To number the inhabit-

[1] समाहर्ता चतुर्धा जनपदं विभज्य ज्येष्ठ-मध्यम-कनिष्ठ-विभागेन ग्रामाणां परिहारकमाधुचीयं चान्यपशुचिरक्षकुप्यविष्टिकर-प्रतिकरसिद्धसेतावदिति निबन्धयेत्। तत्प्रदिष्टः पञ्चग्रामीं दशग्रामीं वा गोपश्चिन्नयेत्। एवं च जनपदचतुर्भागं स्थानिकः चिन्तयेत्। गोपस्थानिक-स्थानेषु प्रदेष्टारः कार्यकरणं बलिप्रग्रहं च कुर्युः।—Bk. II, समाहर्तृप्रचारः, pp. 141, 142.

[2] तेषु चैतावचातुर्वर्ण्यसेतावगः कर्षक-गोरक्षक-वैदेहकावकर्ण-

ants of all the four castes in each village; to count the cultivators, cowherds, merchants, artisans, slaves, the young and old men and women of each house, and ascertain their character (चरित्र), occupation (कर्म), income (आजीव) and expenditure (व्यय)[1]; to number the biped and quadruped animals in each house, the taxpaying and non-taxpaying houses, and determine the amounts of gold, free labour, tolls and fines collected from each house.

The functions of the spies, besides their duties in connexion with land survey and revenue collection, were[2]:—To number the total of inhabitants in each village, to number the houses and families in it, to ascertain the caste and profession of each family;

करदाखाधैतावच द्विपदचतुष्पदमिदं चैव चिरञ्च-विडि-मुख्य-दण्डमनुलिखतीति ।

सङ्ख्यां च करदाकरदसङ्ख्यानेन ।

—Bk. II, समाहर्तृप्रचारः, p. 142.

[1] कुलानां च स्त्रीपुरुषसंख्यां बालवृद्धकर्मचरित्राजीवव्ययं परिमाणं विद्यात् ।—*Ibid.*

[2] समाहर्तृप्रदिष्टाच सङ्घपतिकवञ्जना येषु ग्रामेषु प्रविचिताक्षेत्रां ग्रामाणां क्षेत्रसङ्कुलाभं विद्युः । मानसङ्ख्याताभ्यां क्षेत्राणि, क्षेत्रपरिहाराभ्यां सङ्घानि वर्ष-कर्माभ्यां कुलानि च । तेषां लक्षणं चायव्ययौ च विद्युः ।—*Ibid.*

to determine which house was tax-free; to determine the occupiers of houses; to ascertain the income and expenditure of each family; to count the number of domesticated animals (जङ्गम) of each house. It will be seen that these points of inquiry are in common with those of the village officers; over and above these, there were a few independent heads of inquiry,[1] viz. to find out the causes of emigration and immigration, to ascertain the number of men arriving and departing, and to watch the movements of men and women of suspicious character. It should be remarked that they had to perform the above duties under the guise of householders (गृहपतिकवञ्चनाः). Disguised as ascetics (तापसवञ्चनाः), they watched the movement of cultivators, cowherds, merchants, and superintendents of Government departments.[2] Sometimes, also, under the guise of thieves (चोरवञ्चन), the spies, with their followers, frequented places of pilgrimage,

[1] प्रव्रजितानां च प्रवासागमकारणानां च स्त्रीपुरुषाणां चारप्रचारं च विद्युः ।—*Ibid.*

[2] एवं समाहर्तृप्रदिष्टास्तापसवञ्चनाः कर्षकगोरक्षकवैदेहकानामध्यक्षाणां च शौचाशौचं विद्युः ।—समाहर्तृप्रचारः, p. 148.

bathing-places, deserted tracts, mountains, ancient ruins, etc.,[1] to detect thieves, enemies and wicked persons.

The census of cities and the metropolis was the work of departments under officers called नागरक.[2] Every city had its नागरक, and was, like the province, divided into four quarters, each administered by an officer known as स्थानिक. Under him worked the minor officers called Gopas (गोप), who had to keep the account of ten, twenty, or forty households as the case might be. They had not only to ascertain the caste, *gotra*, name and occupation of both men and women of those households, but also to ascertain their income and expenditure. To minimize the difficulty of keeping account of travellers and other non-residents,[3] managers of charitable institutions were required to send

[1] पुराण-चोरवञ्चनाशास्त्रेषाशिल्पवैद्य-चतुष्पथ-शून्यापदोद-पाल-नदी-निपाननीर्थायतनाश्रमारण्य-शैलवनगह्वरेषु खेनाभिच-प्रवीरपुरुषाद्यां च प्रवेशनज्ञानमनप्रयोजनान्युपलभेरन्—*Ibid.*

[2] समाहर्तुरुपनागरको नगरं चिन्तयेत्। दशकुलीं गोपो, विंश-तिकुलीं चत्वारिंशत् कुलीं वा। स तत्रां स्त्रीपुरुषाद्यां जाति-गोत्रनामकर्मभिः अनुरागमायव्ययौ च विद्यात्। एवं दुर्गचतुर्भागं स्थानिकश्चिन्तयेत्।—Bk. II, नागरकप्रचिचिः, pp. 143, 144.

[3] धर्मावस्थितः पाषण्डि-पथिकानावेक्षणशालेषु।—*Ibid.*, p. 144.

information to the census offices in case any such person arrived to reside therein.[1] Masters of households were also similarly required to send reports of the arrival and departure of strangers. If they failed to make such reports they were fined. Merchants, artisans, physicians, etc., had also, under the city rules, to make reports to the officer in charge of the capital regarding people violating the laws of commerce, sanitation, etc., for better management of the city affairs; but as these fall outside the scope of the census, we need not take note of them.

It has been already pointed out that the work of land survey was entrusted to those very officers who conducted the census operations. The duties of the officers in regard to land survey were mainly those of setting and fixing the boundaries of villages, classification and numbering of plots of land as cultivated and uncultivated, plain and upland, wet and dry, and so forth. An account was also kept of gardens and forests, temples and places of

[1] प्रख्यातगतौ च निवेदयेत् । अन्यथा राजदोषं भजेत् । चेत्-राचिषु विषयं दद्यात् ।—*Ibid.*

pilgrimage, feeding-houses, irrigation works, roads and crematories, storages for travellers, and pastures.[1] The supplementary body of officers or "overseers" had also to examine the accounts of this department regarding the fields, houses and families of such villages.

In conclusion, a few words should be said in regard to the scope and aims of the census operations in ancient India. The necessity of them appears to have rested on political as well as economic grounds. Politically, they were of great advantage to a Government like Chandra Gupta's, surrounded as he was by quite a number of independent hostile kingdoms. The census system kept him and his officers fully informed of those facts that were necessary for the security of the empire. We find it laid down as one of the duties of the census officials that they should watch the movements of suspicious people, of foreign spies, the emigration and immigration of men

[1] सीमावरोधेन ग्रामार्थं क्षेत्राक्षेत्र-खलकेदारारामसेतु-वाट-वन-पालु-चैत्यदेवगृह-सेतुबन्धश्मशानस्त्र-प्रपापुण्यस्थानविवीतपथि-सञ्चारेण क्षेत्रार्थं; तेन सीमां क्षेत्रार्थां च मर्यादारक्ष-पथि-प्रमाद सम्प्रदान विक्रयानुग्रहपरिहारनिबन्धान् कारयेत् ।

—समाहर्तृप्रचारः, p. 142.

and women of doubtful characters, and ascertain the causes thereof. These are facts of which an accurate knowledge is indispensable for the security of the State.

The census helped them politically in another way. We see in a passage, already quoted in another connexion,[1] that villages were classified not only as of first, middle, and lowest rank, but also as those that were free from taxation (परिहारक), those that supplied soldiers (आयुधीय), those that paid taxes in grains, cattle, gold, forest produce (कुप्य), etc., and those that supplied free labour (विष्टि); so that the census was of help to Government by supplying information as to which villages formed the most convenient recruiting grounds for the imperial army.

Economically, the importance of the classification of villages and of the information as to the occupations of the people, their income and expenditure, etc., goes without saying, forming as it did a valuable aid to taxation and a most

[1] समाहर्ता श्रेष्ठ-मध्यम-कनिष्ठ-विभागेन ग्रामार्थं परिहारक-आयुधीयं धान्यपशुहिरण्यकुप्यविष्टिकरप्रतिकरमिदमेतावदिति निबन्धयेत् ।—(समाहर्तृप्रचारः) ।

reliable index to the material condition of the people.[1]

[1] The *Encyclopædia Britannica*, vol. v, p. 662 (New Edition), gives the following account of census operations of a few other countries in ancient times:—

"The fighting strength of the Children of Israel at the Exodus was ascertained by a count of all males of twenty years old and upwards, made by enumerators appointed for each clan. The Levites, who were exempted from military duties, were separately enumerated from the age of thirty upwards, and a similar process was ordained subsequently by Solomon, in order to distribute among them the functions assigned to the priestly body in connection with the Temple. The census unwillingly carried out by Joab at the behest of David related exclusively to the fighting men of the community, and the dire consequences ascribed to it were quoted in reprobation of such inquiries as late as the middle of the eighteenth century. It appears, too, that a register of the population of each clan was kept during the Babylonian Captivity, and its totals were published on their return to Jerusalem. In the Persian Empire there was apparently some method in force by which the resources of each province were ascertained for the purpose of fixing the tribute. In China, moreover, an enumeration of somewhat the same nature was an ancient institution in connection with the provincial revenues and military liabilities. In Egypt, Amasis had the occupation of each individual annually registered, nominally to aid the official supervision of morals by discouraging disreputable means of subsistence; and this ordinance, according to Herodotus, was introduced by Solon into the Athenian scheme of administration, where it developed later into an electoral record.

"It was in Rome, however, that the system from which the name of the inquiry is derived was first established upon a regular footing. The original census was ascribed to Servius Tullius, and in the constitution which goes by his name it was decreed that every fifth year the population should be enumerated along with the property of each family—land, live-

stock, slaves and freedmen. The main object was to ensure accurate division of the people into the six main classes and their respective centuries, which was based upon considerations of combined numbers and wealth. With the increase of the city the operation grew in importance, and was followed by an official *lustrum*, or purification sacrifice, offered on behalf of the people by the censors or functionaries in charge of the classification. Hence the name of *lustrum* came to denote the intercensal term, or a period of five years. The word *census*, too, came to mean the property qualification of the class, as well as the process of registering the resources of the individual. Later it was used in the sense of the imposition itself, in which it has survived in the contracted form of *cess*."

CHAPTER VIII.

The Courts of Justice.

It goes without saying that the welfare of the people is determined to a considerable extent by the nature of the law of the land and the efficient administration of justice. Laws are unseen agencies as important for popular well-being as the visible agents of government. The object of this and the following chapters will be to consider in detail some of the laws of Chandra Gupta's Government, the way they were administered, and the contribution they made to the material welfare of the country.

There were two classes of law courts in the country, the धर्मस्थीय courts and the कण्टकशोधन[1] courts—each differently constituted. There was also a difference in respect of the

[1] Literally, the courts for the removal of thorns (disturbances).

nature of the cases that came under their cognizance.

First, as to composition,[1] each धर्मस्थीय court[2] was made up of three persons well grounded in the Śâstras (*i.e.* धर्मस्थाः) or three ministers (अमात्याः) who sat together for hearing cases.

In each कण्टकशोधन court, three अमात्य's or three प्रदेष्टार's sat to decide cases.

Next, as to the jurisdiction of the courts, a धर्मस्थीय court generally decided such cases as arose from the personal grievances of one or a few individuals against another or a few other individuals, and the punishments were only in fines, these fines being not very heavy. The cases that came within the jurisdiction of a कण्टकशोधन court generally related either to matters that affected the Government, the king himself, the public at large and large bodies of men, or to such other heinous offences as murder. Though small fines were inflicted by this court for offences that were not so grave, yet the fines for the graver offences ranged up to a very high limit.

[1] *Vide* p. 147, व्यवहारस्थापना, and p. 200, कार्यकरणम्— Bk. III, Arthaśâstra.

[2] The text seems to be faulty: "वा" seems to be left out.

This distinguishes it from a धर्मस्थीय court. Another distinction consisted in the fact that it lay in the power of a कण्टकशोधन court to inflict capital punishment, with or without torture according to the gravity of the offences.

Below are given two lists of the kinds of cases that came under the cognizance of the two classes of law courts :—

I. The धर्मस्थीय court tried cases bearing on the following questions :—

(i) Validity of contracts—व्यवहारस्थापना. (ii) Violation of contracts of service—समयस्यानपाकर्म. (iii) Relation between master and servant, employer and labourer—स्वाम्यधिकारः, भृतकाधिकारः. (iv) Slavery—दासकल्पः. (v) Recovery of debts—ऋणादानम्. (vi) Deposits—उपनिधिकम्. (vii) Rescission of sale—विक्रीतक्रीतानुशयः. (viii) Resumption of gifts—दत्तस्यानपाकर्म. (ix) Robbery and violence—साहसम्. (x) Assault—दण्डपारुष्यम्. (xi) Defamation—वाक्पारुष्यम्. (xii) Gambling—द्यूतसमाह्वयम्. (xiii) Sales of property by another than owner—अस्वामिविक्रयः. (xiv) Rights of ownership—स्वस्वामिसम्बन्धः. (xv) Boundary disputes—सीमाविवादः, मर्यादास्थापनम्. (xvi) Construction of buildings—वास्तुकम्. (xvii) Sale of house property—वास्तुविक्रयः. (xviii) Damage to agriculture, pasture and public roads—विवीतखेचपथ-हिंसा. (xix) Miscellaneous hindrances—बाधाबाधिकम्. (xx) Duties of man and wife—विवाहसंयुक्तम्, विवाहधर्मः, स्त्रीधनकल्पः, etc. (xxi) Partnerships—सम्भूयसमुत्थानम्. (xxii) Inheritance and succession—दायविभागः, दायक्रमः, etc. (xxiii) Miscellaneous offences—प्रकीर्णकानि. (xxiv) Rules of procedure—विवादपदनिबन्धः.

II. The कण्टकशोधन court tried cases relating to the following :—

(i) Protection of artisans—कारुरक्षणम्. (ii) Protection of merchants—वैदेहरक्षणम्. (iii) Measures against national calamities — उपनिपातप्रतीकारः. (iv) Suppression of the wicked—मूढाजीविनां रक्षा. (v) Detection of criminals by ascetic spies—सिद्धव्यञ्जनैर्नागरप्रकाशनम्. (vi) Arresting robbers on suspicion or in the act—सङ्घातसमवेतनिग्रहः. (vii) Post-mortem examination—चाण्डालशवपरीक्षा. (viii) Cross-examination—वाक्यकर्मानुयोगः. (ix) Discipline in Government departments—सर्वाधिकरणरक्षणम्. (x) Fines in lieu of mutilation of limbs—एकाङ्गवधनिग्रहः. (xi) Capital punishment with or without torture—मूढविषयदण्डकल्पः. (xii) Improper social intercourse—कन्याप्रक्रमः. (xiii) Punishments for miscellaneous offences—चतुश्चारदण्डः.

It should be noted[1] that over and above these courts, the head-man (ग्रामिक) and the elders of a village (ग्रामवृद्धाः) played an important part in the settlement of disputes among the villagers, and the former was vested with the power of summarily punishing certain offences. It appears from a passage that he could "deport" out of the village under his charge a thief or an adulterer if such a step became necessary.

[1] See वाक्पारुष्यम्, p. 169, Bk. III, and विवीतचेरपरिहिंसा, p. 171, Bk. III.

The king with his ministers and learned Brâhmaṇs formed the highest court of appeal.[1]

Now, as to the seats of the above courts: they held their sittings in every संग्रहण, *i.e.* a town forming the headquarters of villages; in every द्रोणमुख, *i.e.* a town which was the headquarters of 400 villages; in every स्थानीय, *i.e.* a town being the headquarters of 800 villages; and in every जनपदसन्धि, *i.e.* a place centrally situated between any two provinces of the empire. It will thus be seen that the metropolis must have had courts of the above two classes besides the royal law court.[2]

[1] Bk. I, राजप्रतिष्ठितः ।

[2] जनपदागमा and स्थानीयद्रोणमुखम् ।—Bk. III; see also Bk. II, जनपदनिवेशः ।

CHAPTER IX.

Legal Procedure.

In the previous chapter the constitution of the law courts has been dealt with; in the present, the laws themselves will be considered.

The four basal factors[1] that were taken into account in the administration of justice were: (1) Sacred laws or laws contained in the

[1] धर्मश्च व्यवहारश्च चरित्रं राजशासनम्
(*a*) विवादार्थश्चतुष्पादः पश्चिमः पूर्ववाधकः ।
यत्र सत्यक्रियो धर्मो व्यवहारस्तु साक्षिषु
(*b*) चरित्रं संग्रहे पुंसां राज्ञामाज्ञा तु शासनम् ॥
—Bk. III, विवादपदनिबन्धः, p. 150.

That व्यवहार means here a contractual relation or a contract is indicated by passage (*b*). It says that धर्म is based on truth, व्यवहार on evidence, and राजशासन on the king's order, while custom is determined by large bodies of people. In fact, witnesses were essential to testify to contracts, which were mostly verbal in those days, and this favours the adoption of the above meaning. Besides, the word has been used in the above sense in Manu—VIII, 163, 164, 167; *vide* also the *Indian Wisdom* by Monier Williams, p. 268, where the word has been taken to mean contract.

Dharma Śâstras (धर्म), (2) contractual relations created by the parties (व्यवहार), (3) customary laws (चरित्र), and (4) statutory or king-made laws (राजशासन).

In case of conflict between (1) and (2), or between (3) and (4), the former prevailed over the latter (पश्चिमः पूर्व्वबाधकः); so that a contract could not transcend sacred law or a statute custom. Passages quoted below show, further, that a statute should also be in consonance with sacred law (धर्म), contract (व्यवहार) and equity (न्याय), and that in case of conflict between custom (संज्ञा) and contract (व्यवहारिक) the injunctions of sacred law should be followed. It is also stated that in the event of conflict between statute and equity the statute became inoperative and nullified.[1]

When a case came up for decision, the pre-

[1] अनुशासति धर्म्मेण व्यवहारेण संज्ञया
न्यायेन च चतुर्थेन चतुरन्तां महीं जयेत् ॥
संज्ञया धर्म्मशास्त्रेण शास्त्रं वा व्यवहारिकम्
यस्मिन्नर्थे विरुध्येत धर्म्मोऽर्थं तत्र निर्दिशेत् ॥
शास्त्रं विप्रतिपद्येत धर्म्मन्यायेन केनचित्
न्यायस्तत्र प्रमाणं स्यात्तत्र शास्त्रो हि नश्यति ॥
—*Ibid.*, Bk. III, p. 150.

(Here अनुशासत् and शास्त्रं refer to राजशासनम्, *i.e.* king-made law.)

liminary step taken was the registration of the following particulars regarding the suit:—

(i) The exact date (showing the year, season, month, fortnight and day); (ii) the nature of the offence, and (iii) the place of its occurrence; (iv) the amount of debt incurred, if any; (v) the country, village, caste, *gotra*, name and occupation of the plaintiff (वादी) and the defendant (प्रतिवादी), both of whom must be competent to sue; and (vi) the statements of the parties, which had to be thoroughly scrutinized by the court.

Each of the parties had to be on guard against the following kinds of the offence termed परोक्तदोष (*paroktadosha*):—

(1) Deviating from the question at issue and taking to another question; (2) contradicting the previous statement; (3) insisting on the need of consulting the opinion of a third person though his opinion be not worthy of such consideration; (4) breaking off while answering a question though ordered by the court to continue; (5) introducing questions other than those already specified; (6) withdrawing the statement already made; (7) not accepting what one's own witnesses have said;

and (8) holding secret conversation with the witnesses when it was not allowed.[1]

Besides these,[2] there were other sorts of परोक्षदोष. The plaintiff had to make his rejoinders the very day the defendant had answered, for it was presumed that the plaintiff was ready to go on with the case; otherwise he was guilty of परोक्ष. But if the defendant was not ready for the case, he was allowed three or seven nights to prepare his defence. If he failed to make his defence within that time, he was punished with a fine ranging from three to twelve paṇas. If he could not answer even after three fortnights, he was guilty of परोक्ष, and the plaintiff could recover out of the defendant's property the amount sued for, unless he (plaintiff) agreed to accept in its stead some good service from the defendant. The same punishment was inflicted on the defendant who utterly failed in his defence. If the plaintiff failed to prove his case within the aforesaid time, he committed a परोक्ष. If he failed to substantiate his charge against a deceased person, he was made to

[1] Arthaśâstra, p. 149.

[2] *Ibid.*, pp. 149 and 150.

perform some of his funeral rites. If[1] he was not a Brâhman he might be ordered to perform the ceremonial रथोत्तरचिकम्. The fine for परोक्ष generally was षड्बन्ध. Making an assertion without any evidence to support it was another परोक्षदोष, the fine for which was दशबन्ध.[2]

In cases other than strife, violent and direct seizure of property and disputes among merchants, the defendant could not file a counter-case against the plaintiff. Two suits against a defendant for the same offence were not allowed.[3]

We now proceed to consider the rules regarding witnesses. At the outset it is to be noticed that agents were attached to the law courts for secretly ascertaining if possible the

[1] This passage seems to be a little faulty, and the meaning of the next passage, "चार्थिं वा सकामं प्रवेशयेत्," is not clear.

[2] Vijñânesvar, in his Commentary on Jâjñavalkya II, *v.* 174, explains षड्बन्ध as a fine equal to the fifth part of anything lost or stolen.

If in the light of this explanation, we take the meanings of षड्बन्ध and दशबन्ध to be the fifth and tenth part of the amount sued for, we meet with difficulty in applying them to line 6, p. 176, Bk. III, चतुर्दानम्, and line 6, p. 184, Bk. III, दासकल्पः ।

[3] चभियुक्तो न प्रत्यभियुञ्जति अन्यत्र कूटसाक्ष्य-साहस-स्तेय-पारुष्य-पूर्वेभ्यः । न चाभियुक्तेऽभियोगोऽस्ति ।—p. 149.

real facts of a law-suit, and for reporting them to the judges.[1] How far the information they furnished would be followed in a particular case depended, of course, upon the discretion of the judges. They had to use their discretion with great caution, especially in cases like that instanced in the passage quoted below,[2] where the depositions of witnesses were inconsistent and contradictory, and consequently in conflict with the statement of the plaintiff, and where there was a divergence of the report of the "informants" from both the statement of the plaintiff and the evidence.

The principal check upon the indiscretions of the judges was the punishment they incurred for their laches and iniquity. The report of the informants had to be utilized therefore with great care, and, with its chances of abuse minimized, it was meant to help the judges sometimes by creating suspicions in their minds which prompted them to sift the

[1] पूर्वोत्तरार्थव्याघाते साक्षिवक्तव्यकारके
चारदत्ताच्च लिखाते प्रदेष्टव्यः पराजयः ।
—Bk. III, विवादपदनिर्णयः, p. 151.

[2] *Ibid.*

evidence more cautiously, and sometimes by corroborating the conclusion pointed to by the statements of the witnesses.

We find from the Arthaśâstra that a suit was not dismissed on the ground that there were no witnesses forthcoming to testify to the question at issue. For instance, in disputes regarding the non-payment of the wages of a labourer, he could sue his employer even if he could procure no evidence to support his suit.[1] Such a procedure would appear strange, unless we bear in mind that over and above cross-examination of the parties and overt inquiry that could be availed of in such a case, there was another resource to fall back upon, viz. the secret agency for collecting information. Several such instances will occur to us as we proceed.

Let us now turn to other rules. In a law-suit three witnesses, either *approved by both the parties* (उभयमताः), *trustworthy* (प्रात्ययिकाः), or *pure* (शुचयः),[2] served the purpose best. In a

[1] Bk. III, दासकल्पः, p. 184.

[2] प्रात्ययिकान् शुचयोऽनुमता वा त्रयोऽवरार्धाः । पञ्चानुमती वा द्वौ त्रयं प्रति न ज्ञेवैकः ॥—Bk. III, p. 175. त्रयादानम्, साक्षाधिकारः । In view of the fact that even a suit with no

suit for debt, however, two *witnesses approved by the parties* might be sufficient, but never one.

The fact of relationship with the plaintiff or defendant affected the competence of a person as witness. The following persons were not eligible as witnesses, viz., (1) wife's brother (स्यालक), (2) helpmate (सहाय), (3) prisoner (आवद्ध), (4) creditor (धनिक), (5) debtor (आधिक), (6) enemy (वैरी), (7) dependent (भृत्य), (8) convict (कृतदण्डः). In addition to these a few other persons could not appear as witnesses except in cases which affected their own people: (a) the king (राजा), (b) a person learned in the Vedas (श्रोत्रिय), (c) the village poor (ग्रामभृत), (d) lepers, etc. (कुष्ठि, व्रणी), (e) an outcast (पतित), (f) a Chandâla (चण्डाल), (g) a person of mean avocation (कुत्सितकर्मा), (h) a dogmatist (पाषंडी), (i) a female (स्त्री), and (j) a Government servant

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evidence to support it could receive hearing, it seems inconsistent to translate "त्रयोऽवरार्थाः" by "at least three witnesses." So it would perhaps be more reasonable to take "अवरार्थाः" in the sense of "serving the purpose best" (अस्ति वरः यस्मात् = अवरः).

प्रात्ययिकाः and मुख्याः—It may be that they refer to two distinct classes of witnesses designated by the two names, the most marked attributes of a witness determining the class under which he falls.

(राजपुरुष).[1] In cases of assault, etc. (पारुष्य), theft (स्तेय) and rape (संग्रहण), persons other than the enemy, the wife's brother and the helpmate could bear witness. Any man or woman having secret knowledge of an underhand transaction could be a witness in regard thereto. The king and the ascetics (तापस) were exempted from this rule.

In case of a dispute between father and son, preceptor and pupil, or master and servant, the words of the superiors were given greater credence.

Witnesses had to take oaths to divulge the truth before Brâhmaṇs, vessels of water and fire. There were set formulas, varying according to the castes of the witnesses, by which they were urged to speak the truth. A Brâhmaṇ witness was simply told "Speak thou the truth." The formula for a Kshatriya and a Vaiśya was: "Thou wilt not have fulfilment of thy ambition and wilt have to go a-begging to thy enemies with a skull in hand for a begging-bowl (if thou speak

[1] In this passage it is not clear who are indicated by the words "पूर्वं च चत्वारः," p. 175, Bk. III, चत्वारावन् (साक्ष्यधिकारः).

falsehood)." A Śûdra was exhorted thus: "All thy religious merit will go to thy king and all the sins of the king will come to thee (if thou utter a lie), and moreover, thou wilt be punished. Inquiry will be made as to what has been seen or heard."[1]

If the witnesses made a concert among themselves and kept back the truth for more than a week, they were fined twelve paṇas. If they continued obstinate for more than three fortnights they were punished with the payment of the amount sued for.

When the witnesses gave divergent evidence, the judgment was passed upon the basis of the statements of the majority of pure (शुचयः) and approved (अनुमताः) men among them. Or the judgment could follow a *via media*, if any such were suggested by the diverse statements of the witnesses. Failing these, the Government assumed possession of the article, if

[1] ब्राह्मणोदकुम्भाग्निसकाशे साक्षिणः परिगृह्णीयात्। तत्र ब्राह्मणं ब्रूयात्—"सत्यं ब्रूहीति"; राजन्यं वैश्यं वा "सा तवेष्टापूर्तफलं कपालखट्वाभ्रुवसं भिक्षार्थी गच्छे"दिति। शूद्रमन्यं "नरकान्तरे यद्वः पुण्यफलं तद्राजानं गच्छेत्। राज्ञश्च किल्बिषं युष्मान् अन्यथावादे दण्डानुबन्धः। पश्यादपि श्रावेत यथादृष्टश्रुतम्" ।—Bk. III, साक्षिदानम, p. 176.

any, that formed the subject matter of the dispute.

If an amount were sued for and the witnesses deposed that only a part of the amount belonged to the plaintiff, then the rest of the amount had to be deposited with the Government. If, however, the witnesses testified to an amount greater in value than what was actually sued for, the excess went to the Government coffers.

Those witnesses who were easily accessible were called by the parties themselves; those who were far away or who would not come to court except under compulsion were served with summons (साक्षिपाल).

The defeated party had to bear the fees paid to the witnesses. They received a food allowance (पुरुषभृति) in which were taken into account eight items of food. What these items were is not known. Besides this allowance, they were given the necessary expenses for and during their journey.

A peculiarity of Hindu law courts in ancient times was that the judges had to pay a penalty for their iniquity. They were strictly enjoined to decide cases free from all circum-

vention, steady in all circumstances, impartially and diligently, thus winning the love and confidence of the people; but if they were guilty of any laches, partiality or any such misconduct unworthy of a judge, they could not escape with impunity. This feature is also noticed in Chandra Gupta's law courts. If a judge threatened, rebuked, silenced or drove out a party to a suit, he was liable to the lowest amercement;[1] and for abusing a party, to a fine of double the amount. If he put irrelevant questions to a party, wilfully omitted to ask a pertinent question, did not note down what he heard in reply to his queries, tutored or provided a party with his previous statements, he was fined the middlemost amercement. If he inquired into unnecessary circumstances, caused delay by such inquiry, postponed work on flimsy pretexts, tired the parties out of court by his dilatoriness, misled them, helped the witnesses with clues, or resumed the work already disposed of, he was punished with the highest amercement. If he committed any of the offences a second

[1] For the three kinds of amercement, see Bk. III, षाड्गुण्य, p. 192.

time, he was fined double the amount and dismissed.

For an unjust fine, a धर्मस्थ or प्रदेष्टा was fined double the amount or eight times the excess of the amount over the prescribed limit, according to the nature of the offence. If a corporeal punishment were unjustly inflicted, he was condemned either to the same punishment or to the payment of twice the amount fixed in lieu of that kind of punishment. The judicial officer who brought to naught a good case or helped to concoct a false one was fined eight times its value.

The scribe who took down the statements of the parties was liable to the following punishments for negligence or misconduct. If he wilfully omitted to note what was said, noted down what was not said, left out what was badly said, or rendered diverse or ambiguous what was well said, he was liable to the first amercement or to any other punishment proportional to his guilt.

Care was taken to prevent the escape of a culprit from the law court (धर्मस्थीय), the *hâjat* (चारक), or the prison (बन्धनागार), as

well as to prevent the abuse of the jailor's authority.[1]

It is not clear who tried the judges for their misconduct. It seems most likely, and it is also consonant with the ancient Hindu law-codes, that the king or his associate judges tried them.[2]

Certain latitude seems to have been given to the superintendents of the several State departments to summarily dispose of certain kinds of offences committed by their sub-ordinates. How far their power extended in this direction is not clearly defined, but it seems to have been confined to the offences done by the subordinates in their course of business.

[1] See Bk. IV, धर्माधिकरणरक्षणम्, pp. 222, 223.

[2] See J. R. A. S., vol. ii, p. 198—"On Hindu Courts of Justice."

CHAPTER X.

The Law of Contract.

§ 1.—GENERAL.

To understand the full significance of contract (व्यवहार) as it obtained over two thousand years ago, it is essential that we should free our minds from the modern associations of the institution.

We shall begin with a general statement of the requisites of a valid contract, and then follow out each of those requisites in detail.

A contract[1] was of course a two-sided

[1] (X) तत्रात् साक्षिमद्भ्यक्षं कुर्यात् सम्यग्विभाषितम् ।
से परे वा जने कार्यं देशकालाप्रवर्तनः ॥
—Bk. III, औपनिधिकम्, p. 181.

(Y) से से तु वर्मे देशे काले च स्वकरक्षता
सम्पूर्वचारात्मृद्दद्देशा दृढरूपलक्षण-प्रमाणमुपाश्रत्य
व्यवहारा स्थिभेयुः ।
(पश्चिमं लेपा करणादेशाधिवर्जं भवेयुः)
—Bk. III, व्यवहारस्थापना, p. 148.

In (Y), स्वकरक्ष may be taken to refer to the free exercise of

act, and the parties thereto could be both individuals as well as groups; *e.g.* a body of persons engaged in a common concern (समूय समुत्थान) was entitled to be a party to a contract.

Secondly, a contract had to conform to the following restrictions, viz. (*a*) that the agreement between the parties should be

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one's will, though a technical meaning (=document) may be attached to करण (*vide* Manu, VIII, 51, 52, 154).

I quote here Manu, VIII, 51:—

सर्वेऽपवयमागच्छु करणेन विभावितम् ।
दापयेदभिरक्षार्थं दण्डलेखन्च शक्तितः ॥

But whichever meaning is taken, the reference to the unfettered exercise of the will of the parties is apparent in both the cases. करण in the second sentence in (Y) seems to bear the meaning of "document." लक्षण refers to the object or the लक्ष्य of the contract, and रूप to the circumstances under which a contract is made. This meaning of रूप (circumstances as opposed to the time and place of a contract) is found in Manu, VIII, 45—

सत्यमर्थं च सम्पश्येदात्मानमथ साक्षिणः ।
देशं रूपं च कालं च व्यवहारविधौ स्थितः ॥

प्रमाण=authority. It seems to refer to capacity of the parties, witnesses, etc. सम्यक्‌चार refers to all the technicalities that are to be complied with. प्रदेश, however, seems to be a needless repetition of what is implied by देश that goes before.

clearly expressed (सम्यग्भिभाषित), (*b*) that it should not be made in secret (अच्छद्म), and (*c*) that it should be in the presence of witnesses (साक्षिमत्).

Thirdly, it should comply with certain conditions as to time (काल), place (देश) and वर्ण (*i.e.* caste, class, etc.).

Fourthly, the object (अर्थ) for which the contract was made and the circumstances (रूप) attending it must be such as not to offend against law in any way; *e.g.* there must be no undue influence, etc. (अपसद).

Fifthly, the consideration (देयत्व) must not be illegal and improper; the parties, witnesses and agents must be competent (प्रमाणानुरूपयुक्त). In short, the contract must conform to all the technicalities of law, *i.e.* it must be सम्पूर्णाचार [see passages (x) and (y), f.n.].

The first requirements, as I have already stated, are that the agreement of the two parties should be expressed properly and that there must be no secrecy about it. Witnesses have to be called when a contract is formed. It appears that instruments (करण) are used in contracts, and when the terms of a contract are entered on an instrument, the witnesses

can be dispensed with.[1] We find its parallel in some of the Saṇhitâs. But witnesses were a necessity in oral contracts.[2] We find, however, an exception to this general rule. A suit was not dismissed on the ground that no witnesses were forthcoming to testify to a point at issue. In a dispute, for instance, regarding the non-payment of the wages of a labourer, the employer could be sued even if

[1] An analogy to this rule is found in Colebrooke's *Digest*, vol. i, p. 16, third edition, where the contract of loan is dealt with:—

"Bṛihaspati, quoted by Bhavadeva, Vâchaspati and Chandesvar: A prudent lender should always deliver the thing, but, on receiving a pledge of adequate value either to be used by him or merely kept in his hands; or with a sufficient surety *and either with a written agreement or before credible witnesses.*"

Yâjñavalkya, II, 91.—"But every document which is in the handwriting of the party himself is considered as sufficient evidence even without witnesses, unless obtained by force or fraud." For the passage of Manu on this point, see *supra*. For references to documents in contracts, see the passage (Y) quoted above; see also the last sentence, p. 176, ऋणादानम्, which runs thus: साक्षिभ्यादभियोक्तुर्वा दुःकृतं दुर्लिखितं प्रेताभिनिवेशं वा समीक्ष्य साक्षिप्रत्ययमेव स्यात् ॥

[2] It has been pointed out, while dealing with legal procedure, that three witnesses either approved by both parties (अनुमताः), trustworthy (प्रात्ययिकाः), or pure (शुचयः) served the purpose best. In a suit for debt, however, two witnesses approved by the parties might be sufficient, but never one. For a parallel rule as to the number of witnesses, see Yâjñ., II, 69, 70; Manu, VIII, 60, 77.

the former could adduce no witnesses.[1] Other instances of this exception will be furnished by the class of contracts called निरोधित, to which we shall have occasion to turn presently. The presence of witnesses was repugnant to the object of a निरोधित contract; it was entered into in secret. A document may sometimes be used in such a case in lieu of witnesses, but sometimes there may be neither a document nor any witnesses.[2] Under such circumstances a dispute was decided by examination of the parties themselves, by a reference to any custom that might govern the transaction, by taking the opinion of experts (कुलानि), by utilizing other resources that the court commanded, *e.g.* the information given by the "agents" attached to the law courts, and by looking to some form essential to the transaction, *e.g.* the seal in the case of a sealed deposit. So we see that, as a general rule,

[1] दासकल्पः, कर्मकरकल्पः ॥ Bk. III, p. 184.

[2] Manu, VIII, 109 and 110 (S. B. E.)—"If two (parties) dispute about matters for which no witnesses are available, and the (judge) is unable to really ascertain the truth, he may cause it to be discovered even by an oath."

"Both by the great sages and the gods oaths have been taken for the purpose of (deciding doubtful) matters; and Basishtha even swore an oath before King (Sudasa), the son of Pijavana."

openness and publicity were required for the formation of a contract, which had to be entered into in the presence of witnesses. The absence of witnesses could be made up for by an instrument or otherwise.[1]

Let us now turn to the restrictions as to time and place with which a contract had to comply. As a rule, the following contracts were void, viz. those that were (i) नक्तकृत, *i.e.* formed during night; (ii) अन्तरागारकृत,[2] entered into in the interior apartment of a house; (iii) अरण्यकृत, made in a forest; and (iv) उपकरकृत, formed in any other secret place.[3] The object

[1] In this connection it should be noted that a person who overheard or saw a thing by stealth could be taken as a competent witness—रहस्य अवहारेष्वेका स्त्री पुरुष उपश्रोता उपद्रष्टा वा साक्षी स्यात् राजतापसवर्जं। p. 176—साक्ष्यधिकारः. Other rules as to witnesses, that have been pointed out in connexion with legal procedure in general, apply also to contracts under proper circumstances.

[2] Manu takes note of the interior apartments of a house (अन्तर्वेश्म) and of forests (अरण्य): Manu, VIII, 69. Kauṭilya also particularly mentions them. Yâjñavalkya mentions both नक्त and अन्तरागार contracts in Bk. II, 82.

[3] तिरोहितान्तरागार-नक्तारण्योपधुपकर-कृतांश्च व्यवहारान् प्रतिषेधयेयुः। कर्तुः कारयितुश्च पूर्वसाहसदण्डः। गोदायानेकैकं प्रत्यर्धदण्डाः। अदेयानां तु द्रव्यापनयः।

Exceptions:—

(a) परोक्षेषाधिकर्मपदक्षमनक्षयकरा वा तिरोहिताभिख्येयुः।

of making these contracts void is, as already pointed out, that the law wanted to discourage clandestine contracts as far as possible. However, to remove possible hardship to particular classes of persons who might suffer by these rules, there were exceptions to the four rules. I shall speak of them here in the order of the above rules [*vide* (*c*), (*b*), (*d*), and (*f*)]:—

(i) Though all नष्टजन contracts are void, yet those that have some connexion with or are made to ward off violence, attack and affray, those that are formed for doing anything connected with the celebration of marriage, as well as those made under orders of Government, were valid. The contracts made by the पूर्वराजव्यवहारिण: also fall under

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(*b*) दायनिक्षेपोपनिधि विवादद्यूता स्त्रीदासनिक्षाभिजनीनां व्याधितानां चामूढसंज्ञानामन्यत्रारक्षतात्सिध्येयु: ॥

(*c*) साहसानुप्रवेश नष्टश्च विवाद राजनियोगद्यूता: पूर्वराजव्यवहारिणां च रक्षितात्सिध्येयु: ॥

(*d*) सार्थप्रजावम - व्याधचाराणां मध्येचरक्षचराधानरक्षतात्सिध्येयु: ॥

(*e*) मूढाजीविषु चोपचितात: सिध्येयु: ॥

(*f*) भिषक्सत्रवादे चोपक्रमतात: सिध्येयु: ।
अतोऽन्यथा न सिध्येयु: ॥—Bk. III, व्यवहारव्याप्तवा, pp. 147, 148.

this exception.[1] It will be seen that all the cases mentioned here are cases of great emergency. Unless the rule is a little relaxed in respect of people trying to defend themselves from assault, etc., the protection of their life and property would be an impossibility, and it

[1] The exceptions under (i) seem to contemplate such cases as this:—If A promises B to pay a certain sum of money in consideration of his informing a police officer of a burglary that is being committed in A's house, the contract cannot be impeached on the ground that it was made at night.

पूर्वराव व्यवहारिणः—पूर्वराव is the time from dusk to midnight. The use of the word in this sense occurs in Aitareya Brâhmaṇa, Kauśika Sûtra, Kâtyâyana Śrauta-Sûtra, Mahâbhârata, Pâṇini II, i, 45, commentary (see Monier Williams). Those who usually transact business during this time are therefore पूर्वरावव्यवहारिणः. But who exactly are meant is not clear. If we take the meaning to be any persons who enter into contract during पूर्वराव then an objection may be raised that if such a case had been contemplated some such sweeping rule as the following would not have been laid down, viz. that any नक्तकृत contracts are void; the general rule could then well have been that all अपररावकृत contracts are void. Again, if all contracts be allowed up to midnight, why they cannot be allowed, say, a few minutes after midnight would be difficult to explain. Removal of secrecy about the contracts is the general policy, and therefore if all sorts of contracts are allowed during the first half of the night, they will offend against and for the time negative this policy. So it is most probable that only a limited set of persons is the object of consideration of the Government in this case, in view of the hardship that they will otherwise be put to, and therefore पूर्वराव व्यवहारिणः has most likely a technical meaning and refers to a limited group of persons.

is for the same reason, as well as for its own safety, that the State reserves to itself a full contractual freedom. Again, Hindu marriages are never celebrated before dusk, and sometimes the *lagna* (propitious moment) may shift so far into the night as to touch even its small hours; hence it is a necessity that contracts conditioned by such marriages should be sanctioned. As to the exemption relating to the class of persons last mentioned, there is some haziness as to who exactly are meant. The literal meaning of the word, viz. those who usually do their business during the first half of the night, does not carry us very far.

(ii) This exception shows some consideration to diseased *pardâh* women (व्यसिव्याधिताः स्त्रीयः). If in a sound state of mind, they can make valid contracts relating to दाय (division of property), निक्षेप (open deposit), उपनिधि (sealed deposit), and विवाह (marriage) in the inner apartments of the house, though the general rule is that अन्तरगार contracts are void.

(iii) Exemption is given by the third exception to traders (वार्धे), व्रजाजम, *i.e.* cowherds, etc., hunters (व्याध), spies (चार), and those who have to roam in the forests fre-

quently (मधेश्वरश्वश्वर). They can enter into valid contracts in the forest, though contracts by all others in that place are void.

(iv) The fourth exception relates to the श्वपक्ष contracts. श्वपक्ष, as will appear from the text, refers to any secret place other than the private apartments of a dwelling-house or a forest. The general rule is that any contract in any such secret place is void, the exception being in favour of partners in a concern (मिथस्समवाय).

It should be noticed that in all the four excepted cases, the requirements as to witnesses, or in lieu of witnesses the requirements as to document, had to be complied with, though of course if a case occurs in which neither any witness nor any instrument is available, and which falls within any of the exceptions, it will stand on its own merits, and the judges may try such a suit if they find it possible to do so, or may dismiss it. Another point that should be noted is that if a person tries to make a contract which is void on any grounds, the proposer (कर्ता), the acceptor (प्रदेय), the witnesses (साक्षी), and the person who brings together the parties (कारयिता) are all fined.

Now we turn to the legality of the object

(वस्तु) and consideration (वेतन) of a contract. The object and consideration must be legal, and be such as can be upheld by a law court according to equity and good conscience. In the case of a contract in which one party tries to take undue advantage of the other, the court will interfere in favour of the party who is at a disadvantage. A concrete example given in the Arthaśâstra will make it clear. If a person who is being carried away by flood, or is caught in a fire, or is in danger from wild animals, be rescued on his promise to give to his rescuer not only the whole of his property but also his sons, wife and himself as slaves, the proposer cannot be made to perform his promise, it being opposed to all justice and common sense, and therefore illegal.[1] The rescuer can realize only as much as is fixed by experts (कुशलाः) appointed by the law courts. Similarly, in the instance given of a contract with a public woman, improper demand made by her from her paramour or *vice versa* cannot succeed; the court does not support any such

[1] Bk. III, p. 184,—दासकल्पः, कर्मकरकल्पः ॥ यदीवनजान्नाशेनवाणीपदं सर्वस्वपुत्रदारात्मदानेनार्णजातारमाद्रव निष्कीर्यः कुशलप्रदिष्टं वेतनं दद्यात्। तेन सर्वार्णदानानुज्ञया व्याख्याताः॥

demand. Likewise, it will be seen from the passages already quoted that the general rule is that all उपधिकृत, *i.e.* fraudulent contracts, are void, but an exception is made in favour of the spies appointed by Government. They can in their capacity as spies achieve their object by fraudulent contracts and are not penalized for the fraud they commit. It seems to me that cases like the following are contemplated by this rule: A spy, for instance, makes friends with a person whom he suspects to be a thief, and gradually insinuating himself into his confidence, proposes to buy the goods he has stolen. After taking possession of the stolen goods, the spy refuses to pay the value promised and puts the machinery of the law against him instead. In such a case the law court punishes the thief, but it cannot punish the spy as well for the fraud he has committed; neither can the thief bring a suit against the spy on the same ground. Thus the law softens its rigour and legalizes an evil to suppress a greater evil.[1]

[1] *E.g.*, Katyayana says: "If a bribe be promised for any purpose it shall by no means be given although the consideration be performed." (See Colebrooke's *Digest*, vol. i., p. 462, third edition.)

Now that the four kinds of valid contract, गन्धवत्, चमत्कारवत्, परोक्षवत् and उपकरवत्, which derive their validity on account of the exceptions laid down, have been dealt with, it is time that we should turn to the valid (तिरोहित) contracts. A place is तिरोहित if it be such that anything done there would be sheltered from human sight.[1] It therefore includes चमत्कार, परोक्ष as well as उपकर. Now let us look at the matter from another standpoint. Under cover of night a place may become तिरोहित, *i.e.* may be out of view on account of darkness. Therefore a तिरोहित place which is परोक्ष has reference both to the nature and situation of the place as well as to time, *e.g.* night. The general rule is that contracts made in such a place are void, and the exception that attaches to this rule derives its validity from the objects in pursuance of which the contracts are formed. We shall consider the objects shortly, but before doing so, let us inquire whether the validation of a proper तिरोहित contract necessarily involves a

[1] परोक्षेवाधिकर्षपक्षसमवग्रहकरा वा तिरोहितादिषु: ॥ Bk. III, p. 147. Here परोक्ष explains तिरोहित. A तिरोहित place is one which is परोक्ष, *i.e.* sheltered from human gaze.

deviation from the restriction that night vitiates all contracts. It seems that such a deviation takes place in this case. We see that two classes of objects are mentioned which can validate तिरोहित contracts, viz. (i) बहिकर्षणकरणम्, *i.e.* contracting a heavy debt, and (ii) objects which are वक्तुमशक्य, *i.e.* cannot be expressed and brought into others' notice owing to the delicacy attaching thereto. As to (i), it should be noticed that incurring a heavy debt detracts from the credit and reputation of the debtor and lowers him in the estimation of the people who come to know of it. Therefore, for the benefit of the debtors perhaps, such an exception has been made. Regarding (ii), a difficulty arises as to what kinds of delicate and secret matters are meant. Among the numerous instances furnished by the Arthaśâstra a valid contract between a woman of the town and her paramour seems to be, from its delicate nature, an instance in point.

We can well see that in a contract which involves a delicate matter, the contracting parties will rather seek the covert of night for the secrecy it can afford and shun by all

means the light of day. In view of this, it is in no wise strange that an express sanction is given to a deviation from the restriction as to night. It should further be stated here that a valid तिरोहित contract also contravenes the general restrictions as to चमरगार, उपकर and घरच, for it has been already pointed out that तिरोहित includes all the three places.

One word remains to be said to mark out more distinctly the difference between a तिरोहित contract on one side and the three other contracts on the other. The principal difference lies in the objects of the contract, the objects of तिरोहित contracts being secret and delicate. There are a few minor differences, which are apparent from the statements already made.

We shall next consider the restrictions as to the वर्ण of the witnesses [see passage (Y)].[1] The word वर्ण appears to be very comprehensive, and signifies everything that the expressions चपचर्वेत: and खे परे वा अन्ने in passage (X) can imply. Kauṭilya does not explain clearly the restrictions, but they have to be interpreted in the light of what Manu and other

[1] The references here are to the two passages (X) and (Y) quoted in the foot-note at the beginning of this chapter.

such ancient lawgivers say on the point. In Manu the following rule is laid down, viz.—

"Women should give evidence for women, and twice-born men for twice-born men of the same kind, virtuous Śûdras for Śûdras, and men of the lowest caste for the lowest."[1]

The commentary of Medhâtithi throws more light on this point. He says that "twice-born men of the same kind" means "twice-born men of the same caste, occupation, etc." The line स्वे परे वा जने कार्यं (कुर्यात्) चतुरवरैः[2] signifies that a Brâhman should choose a Brâhman for a witness, a Kshatriya a Kshatriya, and so forth; and failing that, a person belonging to another वर्ण may be taken as witness. Therefore the two passages (X) and (Y) lead to this conclusion that the contracting parties should try to make their contracts in the presence of castemen of the same sex and occupation as themselves in the first instance, failing which they can take witnesses belonging to the same caste and sex but having a different occupation, and when this also fails, men of a different वर्ण may be called.

Next we consider the rules about the capacity

[1] स्त्रीणां साक्ष्यं स्त्रियः कुर्युर्द्विजानां सदृशा द्विजाः
शूद्राश्च सन्तः शूद्राणामन्त्यानामन्त्ययोनयः ।—Manu, VIII, 68.

[2] चतुरवरैः: refers to the four वर्ण, viz. Brâhman, Kshatriya, Vaiśya, and Śûdra. [See passage (Y) *supra*.]

of parties to make a valid contract. No contract can be made if any of the parties be (i) in a fit of anger (क्रुद्ध), (ii) under stress of extreme sorrow,[1] distress and danger (आर्त), (iii) intoxicated (मत्त), (iv) insane (उन्मत्त), or (v) under undue influence, duress, etc. (अपसृपीत).

Those who act in supersession of these bars are fined as already pointed out.

In connexion with the subject of contracts made through agents, of which I shall speak presently, a few terms occur which imply some other absolute disabilities so far as the principals are concerned.[2] अप्राप्तव्यवहार, for instance, indicates an age below which a person cannot make a valid contract on his own account; similarly, अतीतव्यवहार[3] signifies

[1] In the case of an agreement with an आर्त (man in distress), though no contract with him can hold good at law, yet we find that the law court makes him pay a sum fixed by experts (कुशलाः) if he has already got any benefit from the other party. (See Arthaśástra, Bk. III, p. 184, दासकल्पः.)

[2] अपात्रव्यवस्थिताः क्षताः, पितृमता पुत्रेण, पिता पुत्रवता, भिक्षुणेन भार्या, कनिष्ठेनाविभक्तारेण, पतिमत्या पुत्रवत्या च स्त्रिया, दासाधितकार्या, अप्राप्तातीतव्यवहाराभ्यां, अभिप्रसृप्रभृतिभिश्चान्यैरभिहितव्यवहारेभ्यः।

—Bk. III, व्यवहारस्थापना, p. 148.

[3] अतीतव्यवहार literally signifies a person who has lost his capacity to contract in any way; but most probably a limit of age is meant.

another disability, due most probably to an age-limit beyond which a person is supposed to lose the amount of discretion that is necessary for making contracts on his own behalf, though he may act as an agent under the instructions of his principal, just as a minor can. Manu and others, however, make decrepit old age (जविरत्व) an absolute bar. It should also be noted that an ascetic (प्रव्रजित), a person convicted (जभिशस्त), one physically deformed (जङ्ग), or one passionately addicted to any kind of evil practice, *e.g.* drinking (जसक्त), can, according to Kauṭilya, make contracts on behalf of principals authorizing them, but Kauṭilya does not clearly state whether they can also enter into contracts on their own behalf. Some of our ancient lawgivers, however, mention a few of the above conditions as nullifying contracts.

One other disability remains to be mentioned. A woman cannot have pecuniary dealings with a man or a woman with whom she is forbidden by law or by her superiors to do so.[1] If she

[1] See Bk. III, p. 156, विवादसंयुक्ते—प्रतिषेधः.

Cf. Nârada to Indra in the Harivaṇśa: "No man, O thou subduer of foes, should have pecuniary dealings with him from whom he desires much affection, nor visit his wife in his absence."—Colebrooke's *Digest*, vol. i, p. 16.

violates the prohibition she is punished. This rule applies also to a male.

We shall now consider the rules about the appointment of agents. The following persons, if authorized by the principals, can make contracts as agents:—

(i) Dependents, for the person who supports them, (ii) son, for the father, (iii) father, for the son, (iv) a brother, for another brother though not belonging to the same joint family, (v) a younger brother belonging to the same joint family, for an elder brother, (vi) a woman, for her husband or her son, (vii) a slave, for his master,[1] (viii) a minor (अप्राप्तव्यवहार), for one who has attained majority and is otherwise competent to contract, (ix) a person who is अनीप्सितव्यवहार (see above), (x) a person convicted (अभिशस्त), (xi) an ascetic (प्रव्रजित), (xii) a physically deformed person (षण्ढ), and (xiii) one addicted to passion (व्यसनी).[2]

I shall now name here the principal transactions that bear the character of contract:

[1] For the meaning of आधिसत्क, see Arthaśâstra, Bk. III, p. 182, दासकल्पः.

[2] For the text, see *supra*. The text seems to be a little faulty in its first portion, and so I interpret it subject to some doubt.

(i) ऋणादानम् (loan), (ii) विक्रय (sale), (iii) निक्षेप (open deposit), (iv) उपनिधि (sealed deposit), (v) mortgage, pledge, etc., (vi) hire, (vii) partnership, (viii) contract of service, and (ix) a few other miscellaneous contracts.

From the above we have an idea of the elements that made up व्यवहार in Chandra Gupta's time. The elements that constituted a व्यवहार may well justify us in calling it a contract, though, of course, owing to the peculiar circumstances of the time in which it prevailed, it assumed a different complexion. We notice also that Government exercised a good deal of control over the details of the subject's life, and therefore legal interference touched spheres now looked upon as merely moral or social. A vagueness necessarily attaches to some of the details of व्यवहार, but on the whole we see its broad features and in them a generic likeness to a modern contract.

§ 2.—SALE AND PRE-EMPTION.

We have discussed the general principles underlying Hindu contract in Chandra Gupta's time, and shall proceed to discuss some

of the more important contractual transactions.

We begin with the sale of immoveable property. The first provision in regard to this is that the piece of property on sale has to be offered for purchase in the first instance to the kinsmen (ज्ञातयः) of the seller. If they do not propose to buy, then the property has to be offered to the neighbours, who can claim such right on the ground of vicinage or participation in the appendages (सामन्ताः); and on their refusal to purchase, the property is to be offered to the creditors of the seller (धनिकाः).[1] These rules evidently indicate that something like the right of pre-emption existed in those days. The texts concerning pre-emption are very few in Sanskrit legal literature, and even those that exist have been explained away by later commentators. I quote here Prof. Jolly's view on this point:—

"A trace of pre-emption in the Hindu law occurs in the text quoted in the Mitâkshará[2] and other standard law books. It is

[1] ज्ञातिसामन्तधनिकाः क्रमेण भूमिपरिग्रहान् क्रेतुमभ्यामनेयुः।
—Bk. III, वास्तुविक्रयः, Arthaśâstra, p. 168.
मटवास्तुकम्; वास्तु here means मटं चैत्यसारामम् सेतुवन्धक्षेत्रकमाधारो वा, p. 166.

[2] Colebrooke's *Mitâkharâ*, chap. i, sect. i, 31.

as follows—'Transfers of landed property are effected by six formalities: by consent of fellow-villagers, kinsmen, neighbours and co-parceners, and by gift of gold and water.' This text indicates clearly the existence in the early period of the Hindu law of a feeling that a transfer of landed property is not valid unless the neighbours, fellow-villagers and others who are but remotely concerned with it should have given their consent to its being effected. These persons might therefore be supposed, perhaps, to have been invested with a right of pre-emption. Whatever notions may have been prevalent on this subject in the early period of the Hindu law, this much is clear, that the compilers of those commentaries and digests of law on which the modern law is based did not approve of any sort of pre-emption. Thus the Mitâkshará, in dealing with the above text, deprives it entirely of such legal significance as may have once belonged to it. The consent of fellow-villagers, according to the Mitâkshará, is required for the publicity of the transaction merely; but the contract is not invalid without their consent. The consent of neighbours tends to obviate future disputes concerning boundaries. The consent of kinsmen and co-parceners is indispensable when they are united in interest with the vendor. If they are separate from him, their consent is useful because it may obviate any future doubt as to whether they are separate or united, but the want of their consent does not invalidate the transaction. This interpretation of the Mitâkshará may be viewed as an instance of the way in which the Indian commentators used to dispose of obsolete laws. At the same time, it shows clearly that anything approaching to pre-emption was entirely foreign to the ideas of such an eminent authority as Vijñânesvara, the author of the Mitâkshará."[1]

A few other texts besides the one referred to above occur also in the Mitâkshará. They are:—

[1] See also Vivâda Chintâmaṇi, translated by P. C. Tagore, p. 309.

(1) "In regard to the immoveable estate, sale is not allowed; it may be mortgaged by consent of parties interested."[1] This text, like the above, is also anonymous.

(2) The text of Bṛihaspati cited in the Mitâkshará, viz. "separated kinsmen, as those who are unseparated, are equal in respect of immoveables, for one has not power over the whole to make a gift, sale or mortgage."

The way in which these two texts have been explained away may be found by a reference to their respective sections in the Mitâkshará.

(3) In a passage in the Mahânirvâṇa[2] Tantra the rules of pre-emption are set out thus:—

"The proprietor of immoveable property having a neighbour competent to purchase it is not at liberty to sell such property to another. Among neighbours, he who is a relation or of the same tribe is preferred. In their default, a friend and the will of the seller prevails; even though the price of immoveable property be agreed upon with another, yet if a neighbour pays the price, he is the purchaser and not another. If the neighbour be unable to pay the price or be consenting to the sale, the proprietor is then at liberty to sell it to another. O Goddess! if immoveable property be sold in the absence of the neighbour, and he (the neighbour) pays the price immediately on hearing of the sale, he is competent to take it. But should the purchaser, having made houses or gardens, be in enjoyment of them, the neighbour is not entitled to take such immoveable property even by paying the price."

[1] Colebrooke's *Mitâkshará*, chap. i, sect. i, 32.

[2] महानिर्वाण, Slk. 107 ff., Macnaghten's translation.

The Tantras have never been recognized as authorities on law; neither have these rules been quoted in any current authentic law book. So they have failed to influence the practical law of the present day, and the net result is that, except in Behar and some other provinces of India, the right or custom of pre-emption is not recognized as prevailing among the Hindus; and in the districts where the custom has not been judicially noticed the custom has to be proved in each case.

It is generally inferred from the way in which the commentators explain, or rather explain away, the texts, that it was at the time of the Muhammadans that the right of pre-emption first came to be recognized among the Hindus. Such an inference cannot be supported if we read properly the mental attitude of the commentators. The later the legal authority, the more hostile is he to restraint on alienations of property. It cannot be denied that the rule, that a member of a joint family cannot sell his share in the joint property without the consent of his co-sharers, aimed at a result similar to that which the Muhammadan

law of pre-emption intends to achieve.[1] The provision that a field cannot be sold without the consent of the whole village in particular cases, or without the consent of the family, which certainly existed in ancient times, also points to the same conclusion.[2]

It is often argued that the absence of a Sanskrit name for pre-emption shows the absence of the custom. Such a position is absurd on the face of it, for what is described at length need not necessarily be named. Besides, in all the cases we have noted, the subject of pre-emption has been subsumed under a more general one which has given its name to the chapter, and so we do not find a Sanskrit equivalent.[3]

From the above it appears that the custom of pre-emption among the Hindus dates back to a much more ancient period than is generally supposed, and the advent of the Muhammadans

[1] The author of the Dâyabhâga sets aside the rule by saying that sales of undivided shares are immoral but valid in law.

[2] *Vide* E. W. Hopkins's *India Old and New*: Land Tenure in India.

[3] The word प्रसङ्ग in Manu, VIII, 399, no doubt implies a right of first-purchase or pre-emption, as Monier Williams calls it, but it is claimed by Government, and in regard to moveables (प्राप्तानि); therefore it cannot be called pre-emption proper.

only marks a particular stage in its history. The passages in the Arthaśâstra serve only as evidence of a custom which is much older than the passage itself.[1]

Having now seen how a piece of immoveable property was offered for purchase to certain classes of persons in preference to others in the days of Chandra Gupta, let us turn to further stages in the process by which the sale was effected.

The fact of the property being on sale has to be announced publicly in the presence of a large number of men who come from not less than forty neighbouring houses, and who have no personal interest in the sale.[2]

As immoveable property includes cultivated fields,[3] gardens, enclosed spaces, tanks and reservoirs, each of these kinds of property, before being put to sale, has its boundaries

[1] *Vide* in this connexion Sivśaraṇlâl's *Law of Pre-emption.*

[2] ततोऽन्ये वास्तुसामन्तचतुरंगत्कुला गृहप्रतिमुखे वेश्म आवयेयुः। सामन्तग्रामसंदेषु चैवमारामं सेतुबन्धं तडागमाधारं वा मर्यादातु यथासेतुभागं "धनेनार्थेन कः क्रेता" इति चिरा-धुषितवीतमव्याहृतं क्रेता क्रेतुम् लभेत।—वास्तुविक्रयः, p. 168.

[For सेतुबन्ध, see p. 60. पुष्पफलवाटपक्षेत्रेदारमूलवापास्-सेतुः।]

[3] See f.n. above.

accurately defined in the presence of the neighbouring village-elders and elderly villagers (ग्रामन्यग्रामवृद्धेषु).

Then the crier (प्रतिक्रोष्टा) shouts thrice the following words: अनेनार्घेण कः क्रेता, *i.e.* "Who will buy at this price?" thus announcing the price of the property fixed by the seller. The purchaser who accepts the price then enters upon the purchase if the sale be unconditional and not objected to by any claimant.

A tax is levied upon all such sales, and in the event of any increase of price owing to superior natural advantages, the unearned increment goes to the State.[1]

The crier is responsible for the collection and payment of the tax on the sale.[2] Any fraudulent announcement of sale of property of which the seller is not the proprietor is punishable with a fine of 24 paṇas. No sale

[1] स्वर्णवाद्योर्वा भूखवर्धने भूखदृद्धिः सम्प्रत्या कोशं मच्छेत् p. 168.

[2] विक्रयप्रतिक्रोष्टा मूल्यं दद्यात्। अस्वामिप्रतिक्रोशे चतुर्विंशतिपणो दण्डः। सम्प्रत्याद्यूर्ध्वमनभिसरतः प्रतिक्रुष्टो विक्रीणीत। प्रतिक्रुष्टानिष्क्रमे वाक्पुनि द्विगुणो दण्डः, अन्यत्र चतुर्विंशतिपणो दण्डः॥—*Ibid.*

can be kept in abeyance for more than a week, within which time the possession must be delivered to the buyer and the sale completed. If the purchaser is by fraud passed over and the property transferred to another, the irregularity is punishable with a fine of 200 paṇas. The punishment for other sorts of fraud is 24 paṇas.

The following restrictions in regard to the sale of immoveable property are also to be noticed. Tax-payers (करदाः) can sell their fields to tax-payers alone, and Brâhmaṇs can sell their ब्रह्मदेय or gifted lands to those Brâhmaṇs only who are endowed with such lands. Violation of this rule is punishable with the first amercement. Neither can a tax-payer enter on a holding exempted from the payment of taxes. If a tax-payer enters on the holding of another tax-payer, he becomes the owner of the whole property except the house (भगार) of the seller, unless it be given over by express agreement. If a non-taxpayer allows his land to lie fallow, another competent person may enjoy it for five years, after which he has to return the same to the owner after taking due compensation for the improvement made. The non-taxpayer

may live elsewhere, retaining the ownership of his land.[1]

It may be noticed in passing that the period of prescription in respect of immoveable properties was usually twenty years, but it does not hold good in the case of the enjoyment of a piece of immoveable property by kinsmen, priests, or by heretics during political disturbances; neither does it apply in cases of mortgage.[2]

We shall now consider the rules regarding moveables. In the sale of moveables, no elaborate formalities are needed. It appears that in a sale of moveables, property passed by payment of price and delivery of possession.

A refusal to perform a contract of sale, or a refusal to sell an article put for sale by a dealer, was punished with a fine of 12 paṇas; but if the seller could prove any of the following three pleas he was exempted:—

(1) That the article in question has defects (दोष).

(ii) That it has been lost by उपनिधान, *i.e.* has

[1] विवीतचेपपचिंता, p. 171, etc.

[2] खखामिसम्बन्धः, p. 190 ff. *Cf.* Yājñ., II, 24, 25.

been stolen, or confiscated by the State, or destroyed by flood or fire.[1]

(iii) That it has been found on examination to be unacceptable because it does not possess many of the properties originally imputed to it, or because it has been manufactured by diseased persons (व्यधिपक्व).

(iv) Another excuse for non-performance of a contract of sale is that a fragile thing contracted for sale to a person cannot be retained longer without detriment to it, and so it has been sold to a third person.

The time allowed for rescission of sale is one night for traders, three for cultivators, and five for cowherds. With regard to the sale of the necessaries of life, however, a period of seven nights is allowed to people of all classes.

A person not accepting an article bought by him is fined 12 paṇas unless his case has any of the excusing grounds mentioned above.[2]

If diseased or unclean bipeds and quadrupeds are sold as healthy or clean, the seller is fined

[1] Yâjñ. uses the words पक्वदोष and राजदैवोपघात while speaking of non-delivery of sold articles.—II, 259.

[2] विक्रीतप्रदानानुशयः, p. 187 ff.

12 paṇas.[1] The time for rescission of sale is three fortnights for quadrupeds, but as regards bipeds no time is expressly mentioned in the text. The rescission rule is applicable in the sale of slaves also, and a period of one year is allowed.

The principle followed in these rescissions is that the judges should try to effect them without detriment either to the seller or the buyer as far as possible.

As regards sale through agents (वैद्यावत्यविक्रय),[2] the following rules are laid down. Agents selling the merchandise of wholesale dealers at prices prevailing at particular localities and times shall hand over to the wholesale dealers as much of the sale-proceeds and profit as is realized by them. If, owing to the default of the selling agents to sell at the proper place and at the proper time, there be a fall in the prices, the agents shall pay the value and profit at the rate which obtained when they received the merchandise. If, however, the wholesale dealers agree to remit the profits, the agreement

[1] *Ibid.* *Cf.* Manu, VIII, 222, 223, on Rescission of Sale.

[2] वैद्यावत्य-विक्रयः,—चीपनिधिकम्, p. 179.

will be carried into effect. In case of a fall in the price, the reduced sale-proceeds would be given to the wholesale dealers. If the agents represent that the goods have been destroyed or lost by उपनिपात (explained above) or in transmission (प्रेष), and if the representation appears reasonable[1] and trustworthy, and is not contradicted by any official report, then the value of the goods need not be made good to the wholesale dealers. The profit and value of the articles would be calculated after making due allowance for all the necessary wear and tear they undergo if they are sold at a distant future, or at a distant place. If the wholesale dealers are combined in a partnership, then each will take his own share of the value and profit or loss. The rest of the rules are to be supplied from those regarding deposit (उपनिधि).

Some of the following rules regarding the fraudulent sale of articles[2] are wide enough and can cover cases in which sale does not come in; but as all of them may also apply to cases

[1] सांव्यवहारिक—generally intelligible, *i.e.* reasonable.

[2] अस्वामिविक्रयः, p. 189 ff.

where a sale is involved, they have been put here together.

On the detection of a lost article in the possession of a person, the owner will cause him to be arrested by the order of the judge of a court; if, however, time or place does not permit this process, he can arrest the person himself and realize the article. The judge shall put this question: "How have you got the article?" If he narrates how he got it, but cannot produce the seller, he will be acquitted, but will lose the article. If the seller is produced, he shall pay not only the value of the article but will also be liable for theft. If the seller runs away or hides himself with the article till it is wholly consumed, he shall not only pay its value but also be liable for theft.

After proving his title to the lost article, the owner shall be allowed to take possession of it; but on failure to prove his title, he is to pay a fine of five times the value of the thing, and the State takes the article. If the owner takes possession of a lost article without obtaining permission of a court, he shall be punished with the first amercement.

Stolen or lost articles, on being detected by persons other than the owner, are to be deposited at शुल्कस्थान, *i.e.* the place for the collection of tolls. If no claimant be forthcoming, such an article is taken by the State.

He who proves his title to a lost or stolen biped shall pay 5 paṇas as ransom (निष्क्रय) before taking possession. Likewise, the ransom for a single-hoofed animal (एकशुरक्ष) is 4 paṇas; for a cow or a buffalo, 2 paṇas; for minor quadrupeds, $\frac{1}{4}$ paṇa; and for precious stones, etc., 5 per cent. of their value.[1]

Whatever of the property of his own subjects the king brings from forests or countries of enemies, shall be handed over to its owner. Whatever of the property of his subjects stolen by thieves the king cannot recover, shall be made good by the State. If the king be unable to recover such a thing, he shall allow any person who volunteers to fetch it; otherwise, he shall pay an equivalent compensation to the sufferer.[2]

[1] *Cf.* Yâjñ, II, 171–177.

[2] स्वामिविक्रयः, p. 190. A parallel to the liability of the State for compensation to the injured party for loss of the sort mentioned above is to be found in Manu, VIII, 40; Yâjñ., II, 37,

Ownership in properties continues though the owner is away from the place where they lie, but the owner who neglects to question the enjoyment of his moveables by another for ten years continuously loses his right therein. The aged and the minors, the diseased and the distressed, the sojourners abroad and those who have forsaken their country for good, are exempt from this rule. The exemption also applies to cases where the assertion of title is prevented by absence due to political disturbances, as also to open and sealed deposits, pledges, treasure-troves, women, boundaries, and articles belonging to the priests and the State.[1]

§ 3.—LOANS.

We shall now discuss the subject of loans. The rules regulating loans are justly recognized to be of great importance, for on them depends

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275; and Nârada, II, 17. It is interesting to note that a similar provision has also been incorporated in the Manu-Kyay-Damathat of the Burmese law: "If cattle have been stolen, the inhabitants of that district were held liable to which the footmarks of the stolen cattle are traced."—Richardson's Transl., IV, 8, p. 117.

[1] स्वस्वामिविक्रयः, स्वस्वामिसम्बन्धः, p. 190 ff. *Cf.* Manu, VIII, 145–149.

to a large extent the economic welfare of the country, राजन्यघोनघेन as Kauṭilya puts it.[1]

In those olden days the exploitation by the grinding money-lenders of the necessities of the poor and the needy was checked by a fair rate of interest. The fair rate was determined by the State, which punished all deviations from it.

The legal rate[2] of interest for a money-lender, as mentioned in the Arthaśâstra, is 1¼ p.c. per

[1] ऋणादानम्, Bk. III, p. 174.

[2] This rate of interest, viz. 1¼ p.c. per month, is also found in the Saṇhitâs. The question is whether it was charged on a secured debt or not. Vyâsa is very explicit on this point. He says: "Monthly interest is declared to be an eightieth part of the principal, if a pledge be given; an eighth part is added if there be only a surety; and if there be neither pledge nor surety, two in the hundred may be taken from a debtor of the sacerdotal class" (see Cole.'s *Digest*, i, 80). Yâjñavalkya also makes 1¼ p.c. per month the interest on a secured loan, for he enjoins that "on a secured loan the interest every month is one-eightieth part of the principal" (II, 88, M. N. Dutt's ed.). Manu, Vaśishṭha and Nârada are at one on this point. "A money-lender may stipulate, as an increase of his capital, for the interest allowed by Vaśishṭha, and take monthly the eightieth part of a hundred" (Manu, VIII, 140, S. B. E.). According to the commentators Kûll., Nâr., Ragh., and Nand., the rule refers to a secured debt, but Med. and Gov. think that the rule refers to cases where the creditor is able to live on this interest and is not compelled to take a higher rate for his living. However, the former is the view accepted on all hands, supported as it is by the parallel passages of Yâjñ., etc. (see also Cole.'s *Digest*, i, 24). Vaśishṭha's text runs thus: "Hear the interest for a money-lender declared by the words of Vaśishṭha: 5 mâshas for

month, *i.e.* 15 p.c. per year. For the reasons given below, it seems that this rate of interest was chargeable on secured debts, the maximum rate allowed on unsecured ones being prescribed

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20 kârshâpaṇas may be taken every month; thus the law is not violated" (II, 51, p. 16, S. B. E.). One kârshâpaṇa being equal to 20 mâshas, the rate is 1¼ p.c. per mensem. Nârada also refers to Vaśishṭha: "Let a money-lender take in addition to the principal the interest fixed by Vaśishṭha, viz. an eightieth part of a hundred in every month" (I, 99, S. B. E.). Bṛihaspati prescribes an eightieth part of the principal to be the interest on it every month (XI, 8, S. B. E.), while Gautama says: "The legal interest for money lent is at the rate of 5 mâshas for 20 kârshâpaṇas per month" (XII, 29, S. B. E.). On the strength of the other Saṇhitâs, these two passages would no doubt be taken to relate to the case of secured loans. Baudhâyana, however, differs from all the above authorities by prescribing a different rate of interest, viz. 1 p.c. per month. His rule is that "a sum of 25 kârshâpaṇas shall bear an interest of 5 mâshas per mensem" [I, 5, 10—(22), S. B. E.]. He does not expressly apply it to cases of secured debts; but even if it be taken to apply to unsecured loans, the difference from the other Saṇhitâs does not cease; for almost all the authorities quoted above, including Vishṇu and Hârîta, expressly mention that the creditor may take 2, 3, 4 and 5 p.c. (and not more) as monthly interest on unsecured loans according to the order of the castes, *e.g.*, a Brâhmaṇ debtor has to pay 2 p.c. per month, a Kshatriya debtor 3 p.c. per month, and so on. So Baudhâyana is the only dissentient authority in regard to this point.

In view of the general correspondence of the Saṇhitâs as to the rule that 1¼ p.c. per month is the interest to be charged on a secured loan, I am inclined to take the passage in Kauṭilya, "सपादपणा धर्म्या मासवृद्धिः पञ्चमतश्च," as applicable to secured loans. This view gains further support when we take into account the fact that no separate rates of interest are

by the next passage as 5 p.c. per month. But the rate is allowed to increase in view of the risks to which the investment of the money lent, and consequently its realization,

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mentioned in connexion with the rules regarding pledges, upon one kind of which, viz. where the thing pledged is used by the pledgee, interests are chargeable; nor are they mentioned in regard to rules about mortgages.

The rate of interest allowed by the Saṇhitâs in the case of the Śûdra debtors, viz. 5 p.c. per month, corresponds with that given in the second passage of the Arthaśâstra (ऋणादानम्, p. 174, Bk. III): "पञ्चपणा वार्धुषिकी"; and as the Saṇhitâs apply the rule to unsecured loans, I am inclined to think that the passage of Kauṭilya mentions the maximum rate allowed in the case of unsecured loans.

Laws restricting the maximum rate of interest are found in many countries both of ancient and mediæval times. In Greece, "the Seisachthira of Solon (B.C. 594), according to some ancient writers, included a reduction of the rate of interest, stated by Plutarch to have been about 16 p.c. per annum. In the opinion of Grote, however, no restriction was put by it upon interest. At Coreysa, in the second and third centuries B.C., loans on good security commanded 24 p.c., while the common rate at Athens in the time of the Orators was 12 to 18 p.c. . . . Such high rates were exceedingly oppressive to agriculturists, whose fortunes are always precarious" (Palgrave's *Dict. of Pol. Ec.*).

According to the same authority, "the ancient law of Rome allowed interest which, as usual in agricultural communities, reached an exorbitant height, and popular suffering necessitated a readjustment of debts. The law of the Twelve Tables (B.C. 451–450) first, according to Tacitus, limited the rate to one-twelfth part of the capital . . . In B.C. 347 interest was fixed at 5 p.c.; in B.C. 342 it was abolished altogether by the Lex Genucia. Although the prohibition of interest long remained law, it was found impracticable . . . The Lex Unciaria of the

are exposed. Accordingly, the money borrowed by persons going to forests for trade is allowed to return an interest of 10 p.c. per month, while, on the same principle, the interest payable by the merchants who trade by sea is allowed to mount up to the maximum rate of 20 p.c. per mensem.[1]

A disregard of the maximum limits is punished with fines payable not only by the money-lender and the intermediary, but also by the witnesses to the transaction.[2]

Consuls Sulla and Rufus fixed the rate of interest at 12 p.c. per annum . . . By a decree of the Senate in B.C. 50 this became the legal limit throughout the Roman provinces."

Diodorus the Sicilian, who visited Egypt in the middle of the first century B.C., gives us some information about the early Egyptian law on this point: "For those that lent money by contract in writing, it was not lawful to take usury above what would double the stock, and that payment should be made only out of the debtor's goods, but his body was not to be liable in any wise to imprisonment; and those were counted the debtor's goods which he had either earned by his labour, or had been bestowed upon him by the just proprietors." (Diodorus, vol. i, Bk. I, ch. vi, p. 81: transl. by C. Booth.)

[1] "दशपदा कान्तारकार्षा." Yâjñ. uses the word कान्तारम् in a similar context—

कान्तारवासु दशकं शतमुद्रा विंशकं शतम्
दशुर्भा सञ्जतां दृष्टिं सर्वे सर्वासु जातिषु—II, 39.

[2] ततः परं कर्तुः कारयितुश्च पूर्वस्साहसदण्डः । शोधनानेकं प्रत्यर्धदण्डः ।

The interest on grain in seasons of good harvest shall not exceed more than half its quantity when valued in money; that on the capital contributed by the members of a commercial company shall be one-half of the profit and be payable as each year expires. In case of partners who by long absence or by maladies such as idiocy are disabled from participation in the business, they may be discharged from partnership by being paid twice the amount of their original capital.[1]

A person claiming interest when it is not due, or claiming as principal the sum-total of the real principal and interest, shall pay a fine of four times the amount under dispute. False claims were punishable with fines of four times the amount falsified. If both the debtor and the creditor mis-state their claims, the punishment is divided between them in the proportion of 1 : 3.

The following persons were exempted from

[1] The text is चिरप्रवासं क्लीबव्याधितो वा मूलद्विगुणं दद्यात् । p. 174. It seems that "क्लीबव्याधितः" should be "क्लीबव्याधितं." In "वाचक्लीब्य," "क्लीब" has been explained as "जड़ता," by which no doubt such maladies as insanity, idiocy, etc., are meant. One suffering from these would be क्लीबव्याधित.

payment of interest: (i) persons engaged in long-continued sacrifices, probably in view of the general good believed to have been produced thereby; (ii) the diseased; (iii) those detained in the house of their preceptor for studies; (iv) minors; and (v) the indigent.

The repayment of debts is also subject to the following rules.[1] The creditor is fined 12 paṇas if he refuses to accept in proper time the sum due, unless the refusal be founded upon some adequate grounds. Moreover, in case of refusal, the sum tendered may be deposited by the debtor with some third person, and no interest accrues upon it for the time subsequent to the date of deposit.

The creditor is liable to a penalty for want of diligence on his part to realize his money within ten years next following the due date; for after this period the loan is barred by limitation. But exceptions are made in favour of (i) the senile, (ii) the diseased, (iii) the dis-

[1] *Cf.* Yâjñ., II, 45: "If a creditor, for the multiplication of his own money, does not take it when offered back by the debtor, and if the latter deposits it with an umpire, interest ceases from that date."

tressed, (iv) minors, (v) sojourners in other countries, (vi) persons who have forsaken their country (देशत्यागी), and (vii) those who are prevented from claiming their dues owing to political or other disturbances.

The sons of a deceased debtor shall repay the principal with the interest thereon. If the deceased have no sons, the debts shall be paid by those who inherit his property; or the debt shall be paid by the surviving joint-debtors if it were contracted jointly with them.[1] Where there are sureties for payment, they shall be held liable.

The rules as to surety for payment of a debt are: A minor cannot stand as surety. If there be no restrictions in the contract of surety as to time or place, it shall be borne by the sons, grandsons, or any persons inheriting the property of the deceased surety in case the debt be not paid by the debtor. They have also to bear the liability of the deceased person as surety in regard

[1] प्रेतस्य पुत्राः कुर्वीरं दद्युः । दायादा वा रिक्थहरास्तद्धनाधिकः प्रतिभुवो वा ।

Cf. Yâjñ., II, 51, 52; Vishṇu, VI, 27, 28 ff.; Manu, VIII, 166; Nârada, I, 2 ff.; and Bṛihaspati, XI, 48 ff.

to (i) personal services, (ii) marriage-dowry, and (iii) transactions concerning immoveable property.

When there are several debts owing by a single person to several creditors, two creditors cannot sue the debtor simultaneously except in the case of resistance by the debtor,[1] and in the suit the order of the debts has to be proved before the court.

No suit for debt can lie between husband and wife, father and son, and brothers of undivided interests. Cultivators and Government servants cannot be apprehended during working hours for debts contracted by them. The wife is not as a rule liable for the debt of her husband even if it be acknowledged by her, except in the case of debts due to herdsmen and cultivators.[2]

A husband is liable for the debt of his wife, and if he absconds without making any provision for the debt, he shall be fined with the

[1] प्रतिरुधान—resisting. (Monier Williams.)

[2] The meaning of this exception is to safeguard the interests of these useful occupations for the benefit of the public.

The text has चर्दधीति. Yâjñ. uses the word चर्दधीरिन् (I, 168) in the sense of "a cultivator who takes half the crop for his labour."

highest amercement. If he denies the debt, witnesses are depended upon.[1]

§ 4.—DEPOSIT, ETC.

The next item for our consideration in connexion with contract is the law relating to deposits.

There were two kinds of deposit, viz.:—

(i) Sealed (उपनिधि) and

(ii) Open (निक्षेप).

A *sealed deposit*, according to Yâjñavalkya, is an article enclosed in a box under seal which the owner delivers into the hands of the depositary without saying anything as to its nature.[2] An *open deposit* is not put under any cover, and the nature, quality, form, etc., of the

[1] In the Saṇhitâs, *e.g.* in Yâjñ., II, 47 and 49; Nârada, I, 18, 19; Bṛihaspati XI, 50, 53; and Vishṇu, VI, 32, 37, the husband is not as a rule liable for the debt of his wife unless it be contracted for the benefit of the family. Among herdsmen, washermen, hunters, distillers of spirit, etc., the husband is invariably liable for the wife's debt, because "the income of these men depends on their wives, and the household expenses are borne by them also."

[2] Yâjñ., II, 66 (M. N. Dutt's ed.); also Nârada, II, 5 (S. B. E.). Bṛihaspati, XII, 3 (S. B. E.), runs thus: "When a chattel enclosed in a cover and marked with a seal is deposited without describing its nature or quantity and without showing it, it is termed an *aupanidhika* deposit."

The commentary (in Colebrooke, i, 272) on Nârada cited in

article deposited are known to the depositary at the time of making the deposit.

The rules as to sealed deposits apply *mutatis mutandis* to open deposits, and *vice versa.*

The acceptance of deposit is gratuitous, but the depositary is responsible for its safe custody. If he puts it to his own use, he has to pay a compensation (भोगप्रेषण) fixed according to the circumstances of the case, in addition to a fine of 12 paṇas. If use by the depositary or his carelessness diminishes the value of the article deposited, the loss has to be made good and the fine doubled. If it be either pledged, sold or wasted by him, a fine[1] is imposed; if exchanged

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the Mitâkshará should be noticed: "'Nârada cited in the Mitâkshará': When a thing is deposited under seal, without mentioning its quantity, if its kind and form be unknown, it is considered an *upanidhi*; but the wise call a specified deposit *nikshepa.*

"'If its kind and form be unknown': if the depositary know not whether it be gold or silver or what. 'Under seal': secured by a private knot to prevent its being taken by another person, or secured by the impression of a seal on which particular letters are engraved; when a thing is so deposited, the bailment of it is *upanidhi.* A specified deposit (or the bailment of a thing of which the quantity, kind and form are mentioned) the wise call *nikshepa.*"

[1] The fine is चतुर्दशपणदण्ड. I have already pointed out the difficulty of giving a meaning to पणदण्ड consistent with its use in other passages, *e.g.* that at p. 176, Arthaśâstra.

or wilfully destroyed, its value is realized from the depositary. He is, however, exempted from liability if the deposit is lost, destroyed or damaged through no laches on his part, *e.g.*[1] by the ravages of hostile kings, wild tribes, or other invaders; by *vis major* such as flood or fire; or, during transit at sea, by the ship sinking or being plundered by pirates.

The deposit must always be returned to the actual depositor; otherwise the depositary is answerable.[2] If the depositary denies having received the deposit, the antecedent circum-

[1] प्रेतव्यसनगतं वा नोपनिधिमध्यवेत् ॥ (p. 178, *ibid.*). This passage most probably contemplates the destruction of the deposit along with the property of the depositary, in which case neither the deposit nor compensation can be demanded from him by the depositor. This meaning of the passage enables us to distinguish the case from those of destruction of the deposit by *vis major*, etc., at p. 177, which also excuse the depositary from all liability. The interpretation of the passage, viz. "When the depositary is either dead or involved in calamities, the deposit shall not be sued for," is opposed to all reason and justice; for, should not the heirs who get possession of the deposit along with other articles of the deceased, or the depositary himself though involved in calamity, be held responsible for the return of the deposit?

For a parallel to the meaning that seems to me more reasonable, *vide* Nârada as quoted in Colebrooke, i, 282: "What is lost together with the property of the bailee is lost to the bailor; so if it be lost by the act of God or of the king, unless there was a fraudulent act on the part of the depositary."

[2] *Cf.* Manu, VIII, 185.

stances are examined; moreover, Kauṭilya by way of example mentions a few dodges which are employed in such cases to find out the truth, and which are similar to those enjoined by Manu. These artifices are meant for the protection of unwary people against the wiles of dishonest depositaries. The artisans, says Kauṭilya, are a class of this sort. They are very clumsy and incautious in their dealings, and make deposits without any evidence, documentary or otherwise. It is for such people specially that the aforesaid procedure is meant. Manu prescribes that "on failure of witnesses, let the judge actually deposit gold with the defendant under some pretext or other, through spies of suitable age and appearance, and afterwards demand it back. If the defendant restore it in the manner and shape in which it was bailed, there is nothing of that description in his hands for which others accuse him. But if he restore not that gold, as he ought, to those spies, then he shall be compelled by force to restore both the deposits."[1] The honesty of the bailee in the second transaction is taken as an index of his integrity in

[1] Manu, VIII, 182–184.

the first. This is the key to the various means mentioned by Kauṭilya for testing the honesty of the bailee. When a defendant denies having received an open deposit, for which there is no evidence, the plaintiff, with the sanction of the judge, takes a few men to the house of the depositary, stations them in a secret part of the house, but within hearing, and then goes to the bailee as if alone; and in the course of conversation with him tries to make him say the truth. The plaintiff may very likely succeed in the attempt, for the bailee does not know that he is being overheard by other people who will bear witness against him. If he unwarily says anything that may favour the plaintiff in his claim, the judge uses it when deposed to by the witnesses.

Another method used to elicit the truth is to employ a spy, who, in the guise of an old, diseased merchant, appears before the defendant depositary as if after a long journey through a forest, or in the middle of his professional tour, and seeks as a measure of relief to leave with him his chattels secretly marked. After some time he sends his brother or son to take back the articles. If they are re-

turned quietly, the bailee proves himself honest; if not returned, he is found guilty in this as well as in the previous transaction and visited with the punishment prescribed for theft.

A third trick employed for the same purpose is that of a spy, in the guise of a respectable gentleman bent on renouncing the world, leaving an article in the hands of the defendant bailee. After a while he returns and claims it. If it is not returned, the bailee is punished as above.

Similarly, a spy may pretend to be a simpleton, and at night represent to the defendant bailee that for fear of being arrested on suspicion by a police officer for carrying an article through the streets, he wishes to leave it with him. Accordingly, he leaves it in his custody. But, in spite of this precaution, a police officer (who seems also to be employed to help him in this artifice) arrests him and puts him in *hâjat*, whence he demands the deposit back. If the bailee restores it, well and good; otherwise, he is punished.

In these cases the chain of transactions by which the article in dispute passed into the

defendant's possession, the validity of those transactions, and the social and financial position of the plaintiff are carefully examined.

These artifices, it seems, were more frequently needed for cases of open deposit than for those of sealed deposit, the reason being that open deposits were often made in a hurry, the depositor having hardly any time or opportunity for taking precautions as to witnesses, etc.[1]

Pledge (आधि).

Kauṭilya does not expressly mention the rules to be followed when the article pledged is used, sold, pledged, lost or misappropriated, but leaves them to be inferred from the allied rules laid down in connexion with deposit. If the pledge be coupled with the condition that it will be used by the pledgee, then the pledgor can release it at any time he likes, and no interest is charged. In other cases the time is limited, and the interest accrues due

[1] The materials for this part of the section have been drawn from Bk. III, pp. 177, 178, 180, 181, except where otherwise indicated.

for the period. A pledgee who refuses to return the pledge when duly demanded back by the pledgor is fined 12 paṇas. If the latter goes to release the pledge at a time when the former is away from home, he can redeem it by paying the money to the elders of the village;[1] or the then value of the pledge being ascertained, it may be left where it is, and interest ceases to accumulate.[2] If there be an apprehension that the pledge may depreciate, it may be sold, with the permission of the court, in the presence of the superintendents of pledges (आधिपाल), or of special Government officers (for whom, see *infra*[3]), or in the presence of the pledgor alone.

Mortgage.

A piece of mortgaged immoveable property may be of two kinds, viz. (i) yielding income without any labour, (ii) yielding income after labour being spent on it. When the money lent, as well as its interest, has been realized

[1] *Cf.* Yâjñ., II, 63.

[2] Yâjñ., II, 64.

[3] क्षयातिशयविनाशकरक्षाः, *lit.* officers who provided against loss or destruction.

from the income of the mortgaged property, it shall be returned to the mortgagor with its value undiminished. If the mortgagee enjoys the mortgaged property without the sanction of the mortgagor, then it shall be returned with compensation for such enjoyment, after the capital lent is realized.[1]

The rest of the incidents of mortgage are like those of deposit, with the necessary modifications. As regards the mortgage of lands, the restriction is that the revenue-paying lands can be mortgaged only to holders of such lands, and Brahmadeya (*i.e.* given away to Brâhmaṇs) lands only to owners of similar lands.[2]

Âdeśa (*bill of exchange*), *etc.*

Two other forms of contract next engage our attention, viz. *Âdeśa* (आदेश) and *Anvâdhi* (अन्वाधि). An *âdeśa* is literally an order, and it seems to mean an order to a third person to pay up a sum of money on behalf of the sender of the order. It is akin to a modern bill of exchange in its simplest form. *Anvâdhi* is, as

[1] *Cf.* Yâjñ., II, 68, p. 178, Arthaśâstra.
[2] Bk. III, p. 171.

Kâtyâyana puts it, "a bailment for delivery."[1] Its incidents, according to Kauṭilya, are as follows:—If a person entrusted by a merchant with an article for delivery to a third person does not reach the destined place, is robbed on the way by thieves, breaks the article or abandons it, the merchant shall not be responsible; nor the kinsmen of the carrier if he dies on the way. Kauṭilya does not expressly mention other incidents of these two forms of contract, but leaves them to be inferred from those of deposit.

In loan for use (याचितक)[2] and hire (भाण्डागारिक), the article which forms the subject of the transaction has to be returned to the owner in the state in which it was received; but if it be lost or destroyed by lapse of time, by flood, fire or rough transit, by being confiscated by the State or stolen by thieves, it need not be made good.[3]

[1] Colebrooke, vol. i, p. 278. "Kâtyâyana: 'When a thing is bailed with these directions, viz. deliver this, as by my desire, to such a man when he shall demand it for his own business, it is called *anvâdhi*.'"

[2] *Vide* Colebrooke, vol. i, p. 278; for fine prescribed for not returning article hired or borrowed, *vide* Bk. III, p. 198, Arthaśâstra.

[3] Bk. III, Arthaśâstra, p. 198, adds: "When a person does not return at the required time or place the property that has been hired or borrowed, pledged or deposited, he is fined 12 paṇas."

The rules of *open deposit* apply to these two forms of contract as far as possible.

Contract of service.

People near at hand should be called to witness the nature of the contract between a master and a servant. The wages fixed by mutual agreement shall be paid to the servant, but if no such wages have been fixed, then it will be in proportion to the time spent and the quality and quantity of the work done. If the wages be not settled, a cultivator shall generally obtain one-tenth of the crops grown by his labour, a herdsman one-tenth of the butter clarified by him, and a commercial agent one-tenth of the business transacted by him.[1]

Artisans, artists, musicians, physicians, buffoons, etc., shall each get wages like others of his profession, or such wages as will be fixed by experts on evidence adduced. If no evidence be produced, it will be in proportion to the work performed. Fines are imposed for non-payment of wages, as also for denial of wages due.[2]

[1] Bk. III, p. 188, Arthaśâstra.
[2] *Ibid.*, p. 184.

A servant neglecting or not doing work for which he has been paid is fined 12 paṇas. When incapable of working, or refusing to work on the ground that he is diseased, distressed or that the work is servile, he may get exemption, or take leave to have the work performed by a substitute whose wages will be in proportion to work done by him.[1] An employer refusing to accept the work duly performed by a workman, as also an employee not doing the work for which he has been engaged, is fined 12 paṇas, and the latter must never desert his work for a more lucrative job elsewhere. If an employer does not accept the services of a workman who according to contract presents himself for it, the latter will be deemed to have done his full duty. This is the view of some legal authorities, but Kauṭilya differs from them, and holds that wages should be given only for work actually performed and not for that left completely unfinished. If, however, the employer works the labourer ever so little and then unreasonably dismisses him, the unfinished work will be looked upon as finished and wages cal-

[1] Lines 1 and 2, p. 185 of the text, seem to be defective.

culated accordingly. Variations of time or place are sufficient grounds for the annulment of a contract for service, and any work in excess of what is contracted for goes for nothing.

These rules also apply to workmen who have formed themselves into an association, with this difference that a grace of seven days is allowed them after the fixed period, after which they can have the work done by substitutes. Without the leave of the employer, they must never leave anything in the place of work or remove anything therefrom; for the former offence the fine is 12 paṇas, and for the latter 24. The members of an association may each receive the wages agreed to by him, or may divide the total wages earned by them all equally among themselves.[1]

An agricultural labourer refusing to work for the person by whom he has been called from a different place, is fined twice the amount of his wages, and double the price of food and drink with which he may be provided. If he has been called for work in connexion with a sacrificial performance, he is fined twice his

[1] For the above, *vide* Bk. III, pp. 184, 185, Arthaśâstra.

wages on his refusal to work. The fines thus realized go to the village fund.[1]

Partnership.

(*a*) Traders or cultivators who engage in work after joining partnership shall apportion among themselves the profits, after the performance of the work in hand and before entering on a fresh one. The performance of work by a substitute does not abate the share of profit due to a partner. The traders shall have shares of profit of the partnership business immediately after the commodities in stock are sold out. The losses sustained by the goods during transmission are to be borne by the partners equally.

A partner deserting his work is fined 12 paṇas, for he cannot withdraw from the business at will after it has been commenced. Theft committed by a partner for the first time should be pardoned and his dues paid; but a second such offence, as also his second untimely withdrawal, causes his expulsion from partnership. In grave offences, he is, in addition, treated as a criminal.

[1] Bk. III, p. 178, *ibid.*

The shares of profits of the partners may be equal or otherwise, according to contract among themselves.[1]

(*b*) Priests officiating at a sacrifice shall share their earnings equally or as agreed to, over and above what may be specially due to each for his portion of work.

In sacrifices like Agnishṭoma:—

A priest dying after the rite of Consecration is entitled to one-fifth of what he would have received for his full work.

A priest dying after the rite of Soma-purchase is entitled to one-fourth of what he would have received for his full work.

A priest dying between the rite of Madhya-mopasat and end of that of Pravargyodvâsana is entitled to one-third of what he would have received for his full work.

A priest dying after the rite of Maya is entitled to one-half of what he would have received for his full work.

A priest dying after the rite of Prâtaḥsavana (libation of Soma during Sutya ceremony) is entitled to three-fourths of what he would have received for his full work.

[1] For the above, *vide* Bk. III, pp. 185, 186, Arthaśâstra.

A priest dying after the rite of Madhyandina is entitled to the whole share, for by that time the sacrificial fees are all paid.

In every sacrifice except Bṛihaspatisavana the sacrificial fee is paid.

The above rules also apply to the fees paid during the series of sacrificial days called Ahargaṇa.

During the ten days immediately following the death of an officiating priest, his work is performed either by those who are given their dues from the remnants of the offerings after the share of the deceased is paid, or by those who enjoyed his confidence.[1]

The death of the sacrificer himself must not put an untimely stop to the sacrifice: the priests are bound to finish it. The desertion of a priest or a sacrificer, one by the other, is punished with the first amercement. If the priest be a Brâhmaṇ who does not maintain a perpetual sacred fire, he is fined 100 paṇas, while the head priest and the sacrificer are each fined 1000 paṇas for such offence.

[1] The time-limit is ten days, because the near relatives of the deceased remain in mourning during the period. They continue the work after the lapse of the period.

As a sacrifice is defiled if an officiating priest happens to be the husband of a Śûdra wife, a thief, spirit-drinker, Brâhmaṇ-slayer, violator of teacher's bed, or receiver of condemned gifts, it is no offence to dispense with his services.[1]

Contracts of common interest.

If preparations are made for a public entertainment, an individual may help it up at will, either by subscription or otherwise; but in case he does not join it, then he and his dependents lose the right of enjoying it. Seeing or hearing stealthily at the place of entertainment is punishable with fines.[2]

[1] For the above, *vide* Bk. III, p. 186, Arthaśâstra.

[2] Bk. III, p. 178, Arthaśâstra.

INDEX.

A.

Advocacy of temperance, 103, 104.
Agents and principals, 154.
Anvâdhi, 187.
Arrest of debtors, 178.

B.

Bill of exchange, 187.
Brâhman condemned to the mines, 10, 11.
Bridges, 84, 85.

C.

Calling of witnesses, 132.
Canal, 13.
Capacity of parties to contract, 151–153.
Capture of elephants, 54–57.
Census—a permanent institution, 107.
Census in ancient countries other than India, 115, 116.
Census officers, 107–109.
Ceremonies for the welfare of elephants, 66.
Ceremonies for the welfare of horses, 51.
Checks upon judges, 127, 128, 133, 134.
Chief officers in the department of live stock, 18.
City census, 111, 112.
Classes of chariots, 76.

Classes of courts, 117–121.
Classes of medical experts, 91, 92.
Classes of mines, 5.
Classes of roads and trade routes, 71–75.
Classes of water routes, 80, 81.
Classification of horses, 39–41.
Competent witnesses, 129, 130.
Contracts of common interest, 195.
Contract of service, 189–192.
Conveyances, 75–77.
Crew, 84.

D.

Daily routine for elephants, 59, 60.
Deceased debtor and suretyship, 177, 178.
Deposit, sealed and open, 179, 180.
Detection of lost articles, 168, 169.
Dietary of bulls, etc., 22–24.
Duties of superintendent of horses, 39.

E.

Escape of a culprit from lawful custody, 134.
Exceptions to the four kinds of "void contract," 142–145.

F.

Famine and relief measures, 97–99.
Fees for witnesses, 132.
Fines for blocking passage, 75.
Fines for "void contracts," 145.
Fire, 100–103.
Floods, 99.

Four basal factors in the administration of justice, 122, 123
Functions of village census officers, 108, 109.
Functions of census "overseers" or spies, 109–111.

G.

Gamekeeper, 34, 35.
Grant of jagirs, etc., 104.

H.

Hire, 188.
Hospitals, 91.
Hunting forests, 37, 38.
Husband liable for wife's debt, 178.

I.

Intercourse with distant places, 86, 87.
Irrigation, 11, 12.

J.

Jail deliveries, 103.
Jurisdiction of courts, 118–120.

K.

Kauṭilya—where educated, 97.
Kinds of ships and boats, 81–83.

L.

Land survey, 112, 113.
Laws regarding medical practice, 93, 94.
Legality of object and consideration of contract, 145–147.
Loan for use, 188.

M.

Measures for prevention of diseases, 94, 95.
Medical aids, 88–92.
Medicines in the royal household, 92, 93.
Medical treatment of cattle, 26, 27.
Medical treatment of elephants, 65, 66.
Medical treatment of horses, 49.
Method of testing horses, 41, 42.
Meteorology, 14, 15.
Mining, 5.
Mining superintendent and his work, 5–10.
Mine taxes, 10.
Minor means of water-carriage, 84.
Miscellaneous rules for the department of horses, 50, 51.
Miscellaneous rules regarding means of communication, 77, 78, 85.
Modes of irrigation, 12.
Mortgage, 186, 187.

O.

Oaths, 130, 131.
Offences regarding loans, 175.
Offence termed *paroktadosha*, 124.
Officers in the department of elephants, 54.
Ornaments for elephants, 65.
"Overseers," 108.

P.

Palæsimundu, 87 f.n.
Partnership, 192–195.
Pecuniary dealings of women, 153.

Period of prescription, 164.
Persons exempted from payment of interest, 175, 176.
Pests, 99.
Pledge, 185, 186.
Post-mortem examination, 95, 96.
Precautions for the health of the king, 95.
Pre-emption in ancient India, 160, 161.
Preliminary, 1.
Principals, 154.
Procedure for sale of immoveable property, 156, 161–164.
Prohibition of cow-slaughter, 28.
Prohibition of two suits for the same offence, 126.
Prospecting of mines, 6.
Protected animals, 35, 36.
Protection of the helpless, 105.
Punishment of departmental offences, 135.

R.

Rain-gauge, 14.
Rates of interest, 171–175.
Rations of elephants, 60, 61.
Rations of horses, 44–46.
Realization of money by creditors, 176, 177.
Rescission of sale, 165, 166.
Refusal to perform contract of sale of moveables, 164–166.
Register of cattle, 21, 22.
Registration of horses, 39–41.
Registration of particulars regarding suits, 124.
Repayment of debts, 176, 177.
Requisites of valid contract, 136–141.
Restrictions on contract, 141, 142, 150–152.
Restrictions on sale of immoveable property, 163.

Roads, 69–75.
Roads in forts, 74.
"Royal Road," 70.
Rules against dishonest depositaries—dodges, 182–185.
Rules for grazing grounds, 28–33.
Rules regarding deposit, 179–183.
Rules regarding witnesses, 126, 127.

S.

Sale of moveables, 164.
Sale through agents, 166, 167.
Sanskrit texts bearing on pre-emption, 156–158.
Scope of census, 113, 114.
Scribe, 134.
Seats of law-courts, 121.
Sifting of evidence, 131.
Sluice-gate, 12.
Sources of supply of elephants, 57, 58.
Stables for elephants, 58.
Stables for horses, 42–44.
Stabling staff in the department of elephants, 59.
Suits for debt, 178.
Suit not dismissed for want of witnesses, 128.
Superintendent for grazing grounds, 28.
Superintendents for metals, 9, 10.

T.

Terms for tending cattle, 19, 20.
Ten remedial instruments, 101.
Training of elephants, 62–65.
Training of horses, 46–49.
Trial of judges, 135.